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DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1984

HEARINGS

BEFORE A

SUBCOMMITTEE OF THE

COMMITTEE ON APPROPRIATIONS

UNITED STATES SENATE

NINETY-EIGHTH CONGRESS

FIRST SESSION

DEPARTMENT OF HUMAN SERVICES
JUVENILE ISSUES PANEL
COURT SYSTEM
METROPOLITAN POLICE DEPARTMENT AND LEGAL SERVICES
DEPARTMENT OF CORRECTIONS
BOARD OF EDUCATION
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
FIRE DEPARTMENT
NONDEPARTMENTAL WITNESSES
OFFICE OF THE MAYOR
COUNCIL OF THE DISTRICT OF COLUMBIA

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DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1984

TUESDAY, APRIL 26, 1983

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met at 2 p.m., in room SD-192, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

DISTRICT OF COLUMBIA

DEPARTMENT OF HUMAN SERVICES

STATEMENT OF POLLY SHACKLETON, DISTRICT OF COLUMBIA COUNCIL

ACCOMPANIED BY:
JAMES BUFORD, DIRECTOR, DEPARTMENT OF HUMAN SERVICES
AUDREY ROWE, COMMISSIONER OF SOCIAL SERVICES, DEPARTMENT OF HUMAN SERVICES

SUBCOMMITTEE PROCEDURE

Senator SPECTER. The subcommittee will come to order.

I would like to start this hearing of the District of Columbia Subcommittee of the Appropriations Committee with the first panel on the Department of Human Services.

I regret to say to you, as you may have noted from the press today, that a secret session of the Senate has been scheduled at 2:30 p.m., and the practice, as restated by the majority leader, is to have Senators present if that is possible.

So what I would like to do is see how far we can go between now and 2:30 p.m. To the extent possible I would like to have you summarize the testimony, which, of course, is the standard; and we may submit a few more questions in writing than we ordinarily do. But to the extent that we can move through the hearing I think it would be very advisable to do so.

PREPARED STATEMENT

At this time I would like to call the Honorable Polly Shackleton, Mr. James Buford, and Ms. Audrey Rowe. Ms. Shackleton, your prepared statement will appear in the record at this point. You may proceed with your summary.

[The statement follows:]

STATEMENT OF POLLY SHACKLETON

I appreciate the opportunity to appear this afternoon in support of the District of Columbia's fiscal year 1984 budget request.

I would like to share with you my concern regarding the District's contribution toward the cost of St. Elizabeths Hospital. The budget submitted by the Mayor and approved by the Council contained $24,748,700 for the hospital—an amount that was "capped" by appropriations language. The Mayor has pledged an additional $4,800,000 for St. Elizabeths if Congress approves the requested increase in the Federal payment.

The President deleted the language that established the cap on our payment before submitting the District's budget to the Congress. It is my understanding that, while OMB has not proposed an increase in our contribution, a gap of $39,000,000 remains between our budgeted payment and the amount requested by the Department of Health and Human Services for the hospital.

In the absence of a cap there is no clarity about who is responsible for any shortfall in funding. We believe that $29,500,000 represents an appropriate share for the District in fiscal year 1984. Since we are proceeding with negotiations concerning the long-range plans for the governance and financing of St. Elizabeths, and since Congress has itself requested a detailed study from GAO which is due in the fall, we believe that the cap must not be removed this year. The District has also taken a significant step by signing a medicaid providers agreement with the hospital for the current fiscal year that essentially leverages one Federal dollar for each District dollar, and we are committed to pursuing such approaches in the future. I strongly urge you to restore the appropriations language to cap our fiscal 1984 contribution.

The Council made several changes in the Mayor's budget for the Department of Human Services. Among the most important was the addition of $1,740,000 and 20 positions to the Bureau of Community Services in the Mental Retardation and Developmental Disabilities Administration to assure sufficient resources and case managers for persons moving into community placements from Forest Haven. The institution will be down to 310 beds by the end of 1984, and should be able to generate sufficient medicaid revenue to meet the needs of the remaining residents.

The Council restored funds for the GPA and emergency assistance programs. The Mayor and the Council are committed to continuing a local disability program and to enacting emergency assistance legislation. Our committee held a hearing on the Mayor's proposed legislation in March, and we are working with the Mayor's staff and advocates to develop language which will be acceptable to all interested groups.

In conclusion, I would like to share with you the District's plans to develop a multi-problem youth demonstration project—a project about which I am very excited. We have been working over the past several months with Judge Kessler, Commissioner Rowe, the Superintendent of Schools and other key players to reach agreement on an interagency approach to the problems of those neglected and delinquent children who fail on probation or in the institutions or community programs in which we have traditionally placed them. Our concern stemmed from the use of expensive out-of-state residential treatment centers and evidence of a growing number of youth for whom the city's agencies have been unable to coordinate the right living situation, educational program, job, and therapeutic and other support services—many of which we are convinced exist in the public sector.

The DHS budget includes $250,000 for this project and we also hope to utilize Federal Juvenile Justice and Delinquency Prevention Act funds. In addition, we have been helped by Act Together to involve the D.C. Department of Employment Services and the Private Industry Council, who have agreed to work with the project to provide each child a job or pre-vocational training. We hope to serve 75 young people in the first year and to give District agencies an opportunity to work together to document and resolve barriers to the successful treatment of multiproblem youth.

I know you share our interest in finding solutions for delinquent youth and those who are at risk. As our plans develop we will be pleased to share details of this project with you and your staff.

REMARKS OF POLLY SHACKLETON, COUNCIL MEMBER

Ms. SHACKLETON. Thank you, Senator.

I have a very short statement and I will read it very quickly.

I would like to share with you my concern regarding the District's contribution toward the cost of St. Elizabeths Hospital. The budget submitted by the Mayor and approved by the Council contained $24,748,700 for the hospital, an amount that was capped by appropriations language. The Mayor has pledged an additional $4,800,000 for St. Elizabeths if Congress approves the requested increase in the Federal payment.

The President deleted the language that established the cap on our payment before submitting the District's budget to the Congress. It is my understanding that, while the Office of Management and Budget (OMB) has not proposed an increase in our contribution, a gap of $39 million remains between our budgeted payment and the amount requested by the Department of Health and Human Services.

In the absence of a cap there is no clarity about who is responsible for any shortfall in funding. We believe that $29,500,000 represents an appropriate share for the District in fiscal year 1984. Since we are proceeding with negotiations concerning the long-range plans for the governance and financing of St. Elizabeths, and since Congress has itself requested a detailed study from the General Accounting Office (GAO) which is due in the fall, we believe that the cap must not be removed this year.

The District has also taken a significant step by signing a medicaid providers agreement with the hospitals for the current fiscal year that essentially leverages one Federal dollar for each District dollar; and we are committed to pursuing such approaches.

I strongly urge you to restore the appropriations language to cap our fiscal 1984 contribution.

The Council made several changes in the Mayor's budget for the Department of Human Services (DHS). Among the most important was the addition of $1,740,000 and 20 positions to the Bureau of Community Services in the Mental Retardation and Developmental Disabilities Administration to assure sufficient resources and case managers for persons moving into community placements from Forest Haven. That institution will be down to 310 beds by the end of 1984, and should be able to generate sufficient medicaid revenue to meet the needs of the remaining residents.

The Council restored funds for the general public assistance and emergency assistance programs, and the Mayor and the Council are committed to continuing discussions about this.

MULTIPROBLEM YOUTH DEMONSTRATION PROJECT

In conclusion, I would like to share with you the District's plans to develop a multiproblem youth demonstration project, about which we are very excited. We have been working over the past several months with Judge Kessler, Commissioner Rowe, the Superintendent of Schools, and other players, to reach agreement on an interagency approach to the problems of those neglected and delinquent children who fail while on probation or fail in the institutions or community programs in which we have traditionally placed them.

Our concerns stem from the use of expensive out-of-State residential treatment centers and evidence of a growing number of youth for whom the District's agencies have been unable to coordinate the right living situation, educational programs, job, and therapeutic and other support services, many of which we are convinced exist in the public sector.

The DHS budget includes $250,000 for this project and we also hope to utilize Federal Juvenile Justice and Delinquency Prevention Act funds.

In addition, we have been helped by Act Together to involve the D.C. Department of Employment Services and the Private Industry Council, who have agreed to work with the project to provide each child a job or prevocational training.

We hope to serve 75 young people in the first year and to give District agencies an opportunity to work together to document and resolve barriers to the successful treatment of multiproblem youth.

I know that you share our interests in finding solutions for delinquent youth and those who are at risk. And as our plans develop we will be pleased to share details of this project with you and your staff.

Senator SPECTER. Thank you very much, Councilwoman Shackleton. I know of your contribution, and we are very pleased to have you here and your testimony.

Ms SHACKLETON. Thank you, Senator.

Senator SPECTER. Would you care to add to your prepared statement?

Ms. SHACKLETON. No, thank you.

Senator SPECTER. Thank you very much.

We will turn to Mr. James Buford, the Director of the Department of Human Services. Mr. Buford?

STATEMENT OF JAMES BUFORD

Mr. BUFORD. We are pleased to present the 1984 budget for the Department of Human Services. I have prepared a statement which I would like to submit for the record.

Senator SPECTER. Yes; it will be made a part of the record.

Mr. BUFORD. And in the interest of time, we can proceed with questions.

[The statement follows:]

STATEMENT OF JAMES A. BUFORD

THE 1984 DEPARTMENT OF HUMAN SERVICES' BUDGET CONTINUES THE COMPREHENSIVE DELIVERY OF SERVICES TO THE NEEDY CITIZENS IN OUR COMMUNITY. UNLIKE MANY CITIES AND STATES WHERE COMMITMENTS TO THE VULNERABLE IN OUR POPULATION ARE ERODING, WE ARE HOLDING FIRM. THIS IS BEING DONE DESPITE THE RECESSIONARY ECONOMY, DESPITE THE ELIMINATION OF FEDERAL FUNDS, DESPITE THE UNCONTROLLABLE GROWTH IN NONDISCRETIONARY COSTS.

THE MAYOR AND COUNCIL BELIEVE THAT THOSE WHO CAN PAY THEIR WAY MUST DO SO. HOWEVER, THEY ALSO BELIEVE THAT THE GOVERNMENT HAS A RESPONSIBILITY TO PROVIDE FOR THOSE CITIZENS WHO CANNOT AFFORD TO PAY.

A QUICK LOOK AT SOME OF OUR SERVICE LEVELS SHOWS THE EXTENT OF OUR CONTINUING COMMITMENT TO THE PROVISION OF A WIDE VARIETY OF SOCIAL SERVICES AND HEALTH PROGRAMS TO CITIZENS, INCLUDING THE 68,000 RESIDENTS RECEIVING AFDC; THE 100,000 RECEIVING FOOD STAMPS; THE 120,000 RECEIVING MEDICAID; AND 2,700 RECEIVING EMERGENCY ASSISTANCE; HOMEMAKER SERVICES FOR 2,000; SHELTER FOR 3,000 HOMELESS PERSONS; DRUG ABUSE SERVICES FOR 5,000 PERSONS; 340,000 LABORATORY SERVICES; 377,000 PATIENT VISITS AT HEALTH CLINICS; 13,000 IMMUNIZATIONS, AND OUTPATIENT MENTAL HEALTH SERVICES TO 14,000 CITIZENS.

FOR THE PAST THREE YEARS, WE HAVE APPEARED BEFORE THIS COMMITTEE TO PRESENT AND SUPPORT A FISCAL YEAR BUDGET RECOMMENDED FOR THE DEPARTMENT OF HUMAN SERVICES. THE THREE YEAR PERIOD I REFER TO IS PARTICULARLY SIGNIFICANT BECAUSE DURING THIS PERIOD, WE SUBMITTED BUDGETS WHICH WERE SUBSTANTIALLY INFLUENCED BY SEVERE RESOURCE CONSTRAINTS AND ECONOMIC CIRCUMSTANCES EXISTING AT THE TIME. WHILE THESE HAVE BEEN DIFFICULT BUDGET PERIODS, OUR GOAL HAS ALWAYS BEEN TO MAXIMIZE THE DELIVERY OF SERVICES TO OUR VULNERABLE RESIDENTS AND TO ENHANCE THE QUALITY OF LIFE AS MUCH AS POSSIBLE.

AGAIN, WE ARE FACED WITH THE PRESENTATION OF A BUDGET TO YOU WHICH HAS BEEN DEVELOPED UNDER MUCH THE SAME CONDITIONS AS IN THE PAST - RISING INFLATION, INCREASING UNEMPLOYMENT, DECREASING REVENUES, INCREASED NEED ON THE ONE HAND, DIMINISHING RESOURCES ON THE OTHER. WE HAVE, IN MY OPINION, MADE AN EXTRAORDINARY EFFORT IN TRYING TO DO MORE WITH FEWER RESOURCES.

IN ORDER TO ASSURE THAT OUR SERVICE BASE IS PROTECTED AND THAT NON - DISCRETIONARY COSTS ARE COVERED, WE HAVE HAD TO MAKE SOME PROGRAM MODIFICATIONS. OUR CHANGES WILL FOSTER INDEPENDENCE AND SELF-SUFFICIENCY AND DISCOURAGE DEPENDENCE ON PUBLIC SUPPORT. WE HAVE EMPHASIZED PROGRAMS THAT WILL HELP PEOPLE HELP THEMSELVES -- DAY CARE FOR WORKING MOTHERS, SPECIAL DAY PROGRAMS TO ASSIST THE HANDICAPPED CHILD OR ADULT, ALCOHOL AND DRUG ABUSE COUNSELLING, HEALTH EDUCATION AND DISEASE PREVENTION ACTIVITIES, SHELTERED WORKSHOPS AND VOCATIONAL TRAINING.

MANAGEMENT IMPROVEMENTS

OUR 1984 BUDGET REQUEST REFLECTS OUR CONTINUING COMMITMENT TO ACHIEVE SAVINGS AND/OR ENHANCE SERVICE DELIVERY THROUGH MANAGEMENT IMPROVEMENTS. THESE CHANGES WILL HAVE A SIGNIFICANT IMPACT ON D.C. VILLAGE, SCHOOL HEALTH SERVICES, AND AMBULATORY CLINICAL SERVICES.

MORE THAN A YEAR AGO, THE ADMINISTRATIVE STAFF OF D.C. VILLAGE BEGAN A STUDY OF MAINTENANCE SERVICES. IT WAS FOCUSED ON TWO AREAS: HOUSEKEEPING AND PREVENTIVE MAINTENANCE OF THE PHYSICIAL PLANT.

A HOUSEKEEPING SYSTEM BASED ON A "TEAM" CONCEPT WAS DEVELOPED AND HAS BEEN FULLY IMPLEMENTED. THIS SYSTEM WILL RESULT IN A REDUCTION IN THE HOUSEKEEPING BUDGET OF $227,000 PER YEAR AND A 50% IMPROVEMENT IN QUALITY.

THE SECOND SYSTEM -- THE PREVENTIVE MAINTENANCE PROGRAM -- IS ALSO IN PLACE. MAINTENANCE STAFF GETS A MONTHLY CHECKLIST OF ITEMS TO BE EXAMINED AND ALSO A WORK SCHEDULE. THIS SYSTEM HAS JUST GOTTEN UNDERWAY, SO WE DO NOT YET HAVE FIRM SAVINGS TO REPORT.

IN FY 1984 WE WILL REDEPLOY SCHOOL HEALTH PHYSICIANS AND LINK THE SCHOOLS MORE CLOSELY WITH OUR HEALTH CENTERS. THE PROGRAM'S PHYSICIAN CAPACITY WILL ALSO BE AUGMENTED BY NATIONAL HEALTH SERVICE CORPS PHYSICIANS BEGINNING JULY 1, 1983. THESE MANAGEMENT ACTIONS WILL PERMIT THE SCHOOL HEALTH PROGRAM TO OPERATE WITHIN ITS 1984 REQUEST AND CONTINUE CURRENT SERVICE LEVELS. NURSING SERVICES WILL CONTINUE TO BE AVAILABLE IN ALL SECONDARY SCHOOLS.

THE COMMISSIONER OF PUBLIC HEALTH, DR. ERNEST HARDAWAY, AND HIS STAFF HAVE BEEN REVIEWING HEALTH CLINIC COST AND UTILIZATION DATA AND TALKING WITH HEALTH CLINIC STAFF FOR TWO MONTHS. THEY ARE DEVELOPING A PLAN TO ADDRESS ALL SERVICE DELIVERY PROBLEMS AND TO INCORPORATE THE USE OF THE NEW PHYSICIAN RESOURCE. THE PLAN WILL ALSO EXAMINE THE REVENUE GENERATING POTENTIAL OF THE CLINICS, AND TRANSPORTATION NETWORKS THAT CAN MAKE OUR CLINICS MORE ACCESSIBLE TO SENIOR CITIZENS AND OTHER PATIENTS.

MEDICAID PROGRAM

THE MEDICAID PROGRAM IS THE FASTEST GROWING EXPENDITURE IN THE DEPARTMENT'S BUDGET. IN FISCAL 1982 PAYMENTS TO DISTRICT HOSPITALS TOTALLED $96 MILLION. THE DISTRICT BEARS SLIGHTLY MORE THAN 50% OF THAT COST.

THE PROPORTION OF OUR MEDICAID DOLLAR THAT IS SPENT ON HOSPITAL BASED CARE IS VERY HIGH. WE EXPERIENCED A GROWTH OF 30% IN OUR INPATIENT HOSPITAL PAYMENTS FOR MEDICAID PATIENTS IN FISCAL 1982.

IN ORDER TO CONTAIN THE RATE OF GROWTH IN THE PROGRAM WE HAVE NEGOTIATED AN AGREEMENT WITH TWELVE D.C. HOSPITALS THAT THE TOTAL PAYMENT FOR INPATIENT SERVICES RENDERED IN THE CITY'S 1983 FISCAL YEAR WILL BE $97.7 MILLION. APPROXIMATELY $400,000 MORE WILL BE PAID TO OUT-OF-STATE HOSPITALS, FOR A TOTAL PAYMENT OF $98.1 MILLION. WITH THIS BASE, WE ARE CONFIDENT WE CAN REACH A SIMILAR AGREEMENT FOR FISCAL 1984 THAT WILL NOT EXCEED THE REQUESTED BUDGET AUTHORITY OF $116.4 MILLION. WE WILL ALSO CONTINUE TO OPERATE THE D.C. MEDICAL CHARITIES PROGRAMS FOR MEDICALLY INDIGENT PERSONS INELIGIBLE FOR MEDICAID.

TEMPORARY AND EMERGENCY CASH ASSISTANCE PROGRAMS

THE DEPARTMENT HAS OPERATED AN EMERGENCY CASH ASSISTANCE PROGRAM FOR PEOPLE WITH TEMPORARY CRISES AND A GENERAL PUBLIC ASSISTANCE PROGRAM FOR INDIVIDUALS TEMPORARILY UNEMPLOYED. THE PROPOSED BUDGET CONTINUES FUNDING FOR BOTH PROGRAMS. HOWEVER, THE BUDGET FOR GENERAL PUBLIC ASSISTANCE ASSUMES THE CASELOAD WILL DECLINE AS MORE CLIENTS ARE FOUND ELIGIBLE FOR THE FEDERAL SSI PROGRAM, AND ALSO ASSUMES A HIGHER RATE OF REIMBURSEMENT FOR GPA PAYMENTS ADVANCED DURING THE PERIOD THE SSI APPLICATION IS PENDING.

TO ACHIEVE THE PLANNED CASELOAD AND REIMBURSEMENT LEVELS, THE DEPARTMENT HAS UNDERTAKEN A MAJOR INITIATIVE, INCLUDING REVISION OF ITS LEGISLATIVE AUTHORITY AND STRENGTHENED MANAGEMENT OF THE PROGRAM.

PERSONS ELIGIBLE TO RECEIVE ASSISTANCE UNDER THE GPA PROGRAM (WHICH WE PROPOSE TO RENAME THE DISABILITY ASSISTANCE PROGRAM) ARE:

- PERSONS HAVING A TEMPORARY DISABILITY THAT MAKES THEM UNABLE TO CONTINUE WORKING AT THEIR REGULAR EMPLOYMENT, BUT WHO ARE INELIGIBLE FOR OTHER TEMPORARY ASSISTANCE (SUCH AS WORKMEN'S COMPENSATION). WE WOULD REQUIRE THAT THE RECIPIENT BE UNDER ACTIVE TREATMENT DURING THIS PERIOD.

- PERSONS DETERMINED LIKELY TO QUALIFY FOR SUPPLEMENTAL SECURITY INCOME ASSISTANCE, WHILE THEIR SSI APPLICATIONS ARE PENDING. WE WOULD ASSIST THEM IN MAKING THEIR APPLICATIONS, AND ALSO WITH ANY APPEALS NECESSARY.

- PERSONS WHO HAVE A DISABILITY THAT PREVENTS THEM FROM SEEKING EMPLOYMENT, OR FROM RETURNING TO THEIR FORMER EMPLOYMENT, BUT WHO ARE FOUND INELIGIBLE FOR SSI. MANY OF THESE INDIVIDUALS WILL BE REFERRED TO THE DEPARTMENT'S VOCATIONAL REHABILITATION PROGRAMS FOR ASSESSMENT AND RETRAINING. SOME WILL NEED SHELTERED WORKSHOP EMPLOYMENT DUE TO CHRONIC MENTAL ILLNESS. SOME WILL NEED RETRAINING SO THAT THEY CAN PERFORM TASKS MORE APPROPRIATE TO THEIR PHYSICAL CONDITION. THE VOCATIONAL REHABILITATION ADMINISTRATION IS PREPARED TO ACCEPT THIS ADDITIONAL CASELOAD.

THE 1984 BUDGET REQUEST WILL ALSO FULLY FUND A FOSTER CARE PROGRAM THAT IS OPERATED IN ACCORDANCE WITH THE MANDATE OF THE NEW FEDERAL CHILD WELFARE AND ADOPTION ASSISTANCE ACT -- THAT IS, TO MOVE CHILDREN OUT OF FOSTER CARE INTO PERMANENT PLACEMENTS AS RAPIDLY AS POSSIBLE. THE REQUEST WILL CONTINUE OUR PRESENT COMPREHENSIVE DRUG ABUSE TREATMENT PROGRAMS AND WILL FUND A RESTRUCTURED ALCOHOL ABUSE TREATMENT PROGRAM THAT EMPHASIZES COMMUNITY BASED PROGRAMS. FUNDING IS INCREASED FOR TUBERCULOSIS CONTROL

AND TREATMENT, AND FOR CARE AND SERVICES OF MENTALLY RETARDED PERSONS OUTPLACED FROM FOREST HAVEN INTO THE COMMUNITY.

THE FISCAL 1984 BUDGET FOR THE DEPARTMENT OF HUMAN SERVICES IS A STRINGENT BUDGET. IT IS ALSO A COMPASSIONATE BUDGET. GOOD MANAGEMENT WILL BE REQUIRED TO KEEP WITHIN THE LIMITS. THERE IS NO "CUSHION" TO PROTECT US IF THERE IS A SERIOUS ECONOMIC DOWNTURN, OR A COURT MANDATE TO PROVIDE MORE SERVICES. IT IS, HOWEVER, A BUDGET WHICH WILL ALLOW US TO OFFER SOME HOPE OF IMPROVEMENT IN THE LIVES OF THE CITIZENS WE SERVE.

FUNDING FOR OUTPLACEMENT SERVICES

Senator SPECTER. Mr. Buford, I note that Councilwoman Shackleton has commented about modifications in your budget, and she characterized as the most important the addition of $1,740,000 and 20 positions to the Bureau of Community Services in the Mental Retardation Administration.

Would you care to comment on that change, which was made in the Council, to what the Mayor had proposed?

Mr. BUFORD. I will ask Ms. Rowe, the Commissioner of Social Services to respond.

Ms. ROWE. The Council in reviewing the budget and reviewing the rate of outplacement that was anticipated for fiscal year 1984, and the concern with regard to the staff-client ratio, recommended that the additional moneys be placed in the Bureau of Community Services to allow us to maintain a reasonable staff-client ratio; and to also increase or insure that the numbers of individuals who are outplaced would be serviced by the Bureau of Community Services and that a lack of staff in Community Services would not affect our outplacement efforts.

Senator SPECTER. Let me see if I understand you.

Does the administration, does the Mayor's administration, feel that this additional funding of $1,740,000 ought to be put in?

Ms. ROWE. That money is needed to allow us to make and meet the outplacement requirements for fiscal year 1984.

Senator SPECTER. So is my understanding accurate that that money had not been proposed by the Mayor's budget?

Mr. BUFORD. That is correct.

Ms. ROWE. That is correct.

Senator SPECTER. So it is your conclusion that after considering what the Council changed, you agree with the Council's change?

Ms. Rowe. Yes.

HOMELESS SHELTER PROGRAM

Senator SPECTER. Mr. Buford, in January, as you recall, in a hearing which we held, you testified on problems of the homeless.

The weather has warmed somewhat today, not necessarily yesterday; what is your current daily population in shelters, and how has that progressed from the drastic situation in January?

Mr. **Buford**. Again, I will defer to Ms. Rowe.

Senator **Specter**. We're glad to have you here, Ms. Rowe. [Laughter.]

Ms. **Rowe**. Thank you.

Senator **Specter**. Please use the microphone.

Ms. **Rowe**. I'm sorry.

Our daily population statistics have not changed from when we first reported in December. We are operating at capacity; we have approximately 300 men in our men's shelters at Blair and Pierce. I guess our weather hasn't really changed that much since we were here in January. But we don't anticipate any great change even once the weather gets warmer.

OUTPLACEMENT OF PATIENTS AT ST. ELIZABETHS

Senator **Specter**. The status and future of St. Elizabeths Hospital has been under consideration for many years. The courts have ordered that certain types of patients be placed on outpatient status.

As I understand it that process is currently stalemated due to a lack of additional community-based services.

How many individuals do you expect to be able to serve in community facilities as a result of this budget?

Mr. **Buford**. I don't have a definite number as to the number of clients that we're prepared to serve in toto.

The specific reference that you're making has to do with some 1,100 patients who are on the rolls of St. Elizabeths Hospital who, by October 1982 were to have been outplaced in the community.

By October 1982 we had outplaced approximately 300 of the 1,100 who were scheduled for disposition.

The stalemate, if you will, is a moratorium that has been imposed by the court in order to await a determination of the resources that are available in the community-based systems to permit more residents to return to the community.

Senator **Specter**. When do you expect those facilities to be available?

Mr. **Buford**. It's not a matter of facilities as much as a matter of services.

We think that there is a much greater capacity than is recognized to serve those patients that are presently being served at St. Elizabeths Hospital. I might say that most of those 1,100 are essentially in community facilities now although they are still on the rolls of St. Elizabeths Hospital.

Senator **Specter**. Well, where will those outpatient services be performed?

Mr. **Buford**. Those services will be provided in community mental health centers that are presently operating. We have two mental health centers and St. Elizabeths Hospital has one.

Senator **Specter**. Are you saying the facilities are there but it's a matter of having the personnel to render the services?

CONTRACTING-OUT SERVICES

Mr. BUFORD. In part it's the matter of personnel, but not only do we intend to perform services that we provide directly, we also depend upon services provided indirectly through contract.

We have in excess of $2 million in contracts now with community-based agencies that are also assisting us in our efforts to serve more mental health patients in the community.

Senator SPECTER. And how would you evaluate the efficiency of the contracts that have been let, which you describe as at some $2 million, contrasted with the units which are administered by the District, itself?

Is contracting adequate?

Mr. BUFORD. We think the contracting-out is a good idea.

Senator SPECTER. Should there be more of it and less District administration?

Mr. BUFORD. The services that we are contracting-out are services, for the most part, that we do not provide and have not been in the business of providing. While that may not be true 100 percent, when different services are required than those services presently being provided by the District, rather than to gear-up to provide those services, we think it might be in our best interests to find a community-based agency that's providing those services and contract with them.

COST OF MAINTAINING MR. HINCKLEY AT ST. ELIZABETHS

Senator SPECTER. Mr. Buford, on the subject of St. Elizabeths Hospital, what have the cost factors been in respect to the presence of Mr. Hinckley during the period of time from June 22, 1982, when he was committed to St. Elizabeths up until the present time? Has there been any extraordinary cost factor involved in accommodating Mr. Hinckley there?

Mr. BUFORD. I don't think there is, not to my knowledge.

I can only give you an estimated figure for the cost of a year's care at St. Elizabeths Hospital, which is somewhere around $65,000.

Senator SPECTER. Is that $65,000 a year for each person who is at St. Elizabeths?

Mr. BUFORD. Per bed.

Senator SPECTER. Per bed.

Well, people don't take up more than one bed.

Mr. BUFORD. Well, it's dynamic in the sense that a bed may be filled during the course of a year by more than one person.

Senator SPECTER. Of course, yes.

But as to Mr. Hinckley, he has occupied one bed; he has been there continuously since he was committed after the acquittal; and the question that I have is the cost factor. Are there any unusual security measures taken for Mr. Hinckley? I would have expected that.

Mr. BUFORD. I really can't answer that because St. Elizabeths Hospital is not our operating responsibility. We finance, in part, the care that's provided for District residents that are served at the hospital. So I don't have a direct knowledge of services that are required or provided by the hospital.

Senator SPECTER. Well, who provides the services when those services relate to Mr. Hinckley at St. Elizabeths Hospital?

Mr. BUFORD. The St. Elizabeths Hospital provides them. The Federal Government is responsible for financing the care that's provided by St. Elizabeths Hospital to patients, such as Mr. Hinckley.

Senator SPECTER. So would those financing obligations come separate from the District of Columbia budget?

Mr. BUFORD. Yes.

AFDC ERROR RATE

Senator SPECTER. Mr. Buford, the committee has been concerned about the level of the AFDC error rate in recent years. Your most recent report shows it backed up over 16 percent.

To what do you attribute that rise, if you can pinpoint it?

Ms. ROWE. The rise is attributed to several different factors:

One was the implementation of the Omnibus Reconciliation Act (ORA), which required us in a 3-month period to implement an automated monthly reporting system.

The second was changes in the regulations that were associated with implementation of that act, which required not only changing regulations but retraining our staff.

I think the third factor was just the lack of information on the part of clients in terms of what was required of them, such as documentation, to prove that they would continue to be eligible to participate in the program.

Senator SPECTER. Mr. Buford, if you had additional funding, what would be the area that is not comprehended within your current budget that you would like to see an expansion of services in your Department?

[Pause.]

Does that question take you by surprise?

Show a long pause! [Laughter.]

Mr. BUFORD. That's not the usual question.

[Pause.]

Senator SPECTER. May the record show a longer pause.

Think about that, Mr. Buford; I would be interested in your response.

FURTHER REDUCTIONS

If you had to take a cut somewhere, what would be the most vulnerable area of services that you have submitted for our consideration?

Mr. BUFORD. Perhaps the homeless program?

I really don't know. I think that we've provided pretty good justification for the budget that we have presented for 1984. We do not have a budget that is surplus in any of the areas in which we have made recommendations.

Therefore, there would be considerable pain in any area in which the Congress might choose to reduce.

SEXUALLY ABUSED CHILDREN

Senator SPECTER. Mr. Buford, one other question:

Yesterday I had occasion to visit the Joseph Peters Institute in Philadelphia, which renders care for sexually abused children.

Although I recollect that problem with some intensity from my days as District Attorney for Philadelphia, I was surprised by the scope that I saw there in my brief visit. And five women shared with me their experiences of being victims of sexual abuse by fathers, brothers, stepfathers; and in a way which really was very shocking, it can have such overwhelming impact on the future lives of these women.

I would be interested to know what experience your Department has had with that problem, and what you are doing about it; because there has been a very substantial reduction in funding from the Appropriations Subcommittee for the Federal Department of Health and Human Services, on which I sit.

Mr. BUFORD. That's correct.

Ms. ROWE. We presently have a contract with Children's Hospital for the Sexually Abused Project. That project works in conjunction with our Child Abuse and Neglect Division, or Child and Family Division. If a suspected or an actual sexual assault has taken place on a child, the hospital provides the initial intake, and treatment. The child is then placed in foster care, if there is an emergency situation, in conjunction with the department. The planning and the ongoing work with that child then takes place jointly between our staff and Children's Hospital.

We have not reduced services.

Senator SPECTER. What efforts are made to find out about those situations? We had a 5-year-old child, I talked with him yesterday; one 20, one 30, one 39; a child is sexually molested by a parent or a stepfather or the natural father, a child 5, 6, 7 years of age; most of these situations are not reported until much later.

What does the school system, what does any social agency do by way of trying to communicate to the family unit of the child the opportunity to do something about that?

It seems to me it's a very, very difficult problem because of the difficulty involved in making suggestions to a 5-year-old, you may well have a fabricated story; but how can a 5-year-old protect herself?

Ms. ROWE. The school system has a very aggressive program for grades K through 6; my daughter participated in one. They spend a great deal of time with films and on information material with children, so that they understand who they can go to, where they can go, what sexual abuse is.

They go through an intensive program with youngsters. They also have a hotline for individuals who suspect that a child has been abused sexually.

Senator SPECTER. I don't want to cut you off now, but I do want to move to the next panel, because of the time constraints.

But I would appreciate it if you would put together some materials. I would like some specifics on the program.

We may have a specific hearing on this, in terms of how you do communicate with the children. And we may have some hearings in the Health and Human Services Subcommittee, to see what's done nationally. That is one subject.

The second subject would be: What prosecution action is taken, if any, by way of criminal sanctions.

And the third subject is what kind of therapy is given to a child, or perhaps group therapy in family relationships.

Ms. ROWE. We would look forward to providing that.

Senator SPECTER. I would like to explore that.

Is there anything further, anything that you would like to add, Councilwoman Shackleton, Mr. Buford, or Ms. Rowe?

Ms. SHACKLETON. I'd just like to thank you for your interest and your concern with these matters which are of great importance to us.

Senator SPECTER. Well, I am very much concerned about this, and I look forward to working on this subcommittee as an opportunity, not only to deal with the problems of the District of Columbia, but also to use our experiences here as a prototype of what goes on in big U.S. cities. I think the Congress can learn a great deal from the District of Columbia, and can apply what we learn to our general functions; we do not have the opportunity to get into the details of the operations of other cities. And I think that is perhaps a blessing and a curse in a sense that we have this kind of proceeding; but it will give us an opportunity to learn more; and we intend to do just that.

So thank you very much.

JUVENILE ISSUES PANEL

STATEMENT OF HON. H. CARL MOULTRIE, CHIEF JUDGE, D.C. SUPERIOR COURT

ACCOMPANIED BY:
HON. GLADYS KESSLER, PRESIDING JUDGE, FAMILY DIVISION, D.C. SUPERIOR COURT
JAMES BUFORD, DIRECTOR, DEPARTMENT OF HUMAN SERVICES
AUDREY ROWE, COMMISSIONER OF SOCIAL SERVICES, DEPARTMENT OF HUMAN SERVICES
JUDITH ROGERS, CORPORATION COUNSEL
CAPT. DAVID BOSTROM, ASSISTANT COMMANDER, YOUTH DIVISION, METROPOLITAN POLICE DEPARTMENT

INTRODUCTION OF PANEL

Senator SPECTER. I would like to call the second panel on juvenile issues, the Honorable H. Carl Moultrie, Chief Judge of the D.C. Superior Court; the Honorable Gladys Kessler, Presiding Judge, Family Division, D.C. Superior Court.

Mr. Buford, you're listed on this panel as well, and Ms. Rowe.

Also listed on this panel are Judith Rogers, Corporation Counsel, and Capt. David Bostrom, Assistant Commander, Youth Division, Metropolitan Police Department.

If you would all come forward I'd appreciate it.

Mr. BUFORD. Mr. Chairman, I am going to defer to Ms. Rowe, she did all the work on this.

JUVENILE ISSUES

Judge MOULTRIE. Mr. Chairman, I am merely here to introduce Judge Kessler, the Presiding Judge of the Family Division, who will answer all questions.

Senator SPECTER. We are pleased to have you here for whatever purpose; and we are pleased to have Judge Kessler here as well; so we'll turn at this time to you, Judge Kessler.

Judge KESSLER. Mr. Chairman, I am first directed by a friend of yours to just give a personal hello and that's a judge on my bench, Judge Sylvia Bacon, who I know has worked with you over many, many years on juvenile justice issues.

Senator SPECTER. Thank you very much for those regards. And please give mine to Judge Bacon. She and I served on the National Commission for Criminal Justice, Standards and Goals. We, with others, made some splendid recommendations, almost all of them disregarded.

Judge KESSLER. I know.

Senator SPECTER. As is the history of Commissions, honestly stated.

Judge KESSLER. Senator, I'm here to answer questions, to provide you any information you want, and if you would like, to take about 5 minutes to just give you an overview of the way in which our legal system operates in the Court. If you want me to take the time to do that, I'll be glad to.

Senator SPECTER. Please do.

Judge KESSLER. All right.

Senator SPECTER. What we are going to do is—it is really not sensible to rush through these important hearings. We will take whatever time we need, and we are having hearings tomorrow in the morning.

So I think we will add on to that panel. I regret the inconvenience in asking you to come back; but I think that is preferable for us.

And I think that we can add those on to what we're doing tomorrow.

Judge KESSLER. All right.

Senator SPECTER. So just proceed.

PROCESSING JUVENILES IN COURT SYSTEM

Judge KESSLER. Again, this is just an overview of the system, because every juvenile justice system operates differently in every State.

A child first gets arrested when a police officer believes that there are reasonable grounds to think that a delinquent act has been committed.

The child under our system and our statutory framework has to be brought to court in 24 hours, if they are detained. They are brought into court in our system into what we call new referrals court.

That is the court where all intake decisions are made, in both neglect cases by the way as well as child delinquency cases.

Before the case actually reaches a judge, the child must be interviewed by our own social services division. You will hear, in testimony, that division referred to as either probation or social services, but it is the same thing.

The social services person will make a recommendation to the Corporation Counsel on whether to petition the case or not. And, again, that's all laid out in the statutory requirements.

If the case is petitioned by Corporation Counsel and they have the option either to follow the recommendation of social services, or to not follow the recommendation. But if the case is petitioned, then that child will be presented again, within that same 24-hour framework before the New Referrals Judge.

That judge must then make a crucial early decision, and that is, whether to release a child into the community, or whether to detain that child.

If the judge opts for detention, there are various levels of detention: one is called home detention, one is called group homes; one is secure detention, which is the juvenile center.

If the judge opts for detention, he or she must hold a probable-cause hearing before any detention decision can be made; and that usually consists of one police officer coming in and just presenting minimal probable-cause testimony.

At that same hearing before the New Referrals Judge the child is advised of the basic rights, in terms of right to counsel, right to plead not guilty, right to remain silent. Of course, hopefully, that is done slowly so that the child can understand it.

In addition, at that early stage in the proceeding a trial date is set.

Senator SPECTER. Who is present with the child at that time to see to it that there is an understanding of what procedures are undertaken?

Judge KESSLER. Present with the child is the child's attorney, who has been appointed almost as soon as the child comes into the courthouse. That attorney will have already had a preliminary interview, with the child.

In addition, the child's guardian will have been called. In my experience, in probably 75 percent of the cases the guardian has already made it to court. That will, of course, usually be a parent, sometimes an aunt, a grandparent, someone responsible.

The judge may hold, as I say, a probable-cause hearing. There will also be consideration again at this very early point of screening and diversion programs.

After the day in new referrals, when a trial date is set, the child is read his or her rights and the Corporation Counsel decides whether to petition. After that, you have your normal motions procedure and trial procedure.

I should say one other thing about scheduling: We are able to schedule trials within 30 days of that new referral date.

I want to be candid with you: When I say scheduling, that means that we have time open on our calendar.

NUMBER OF JUVENILE CASES

Senator SPECTER. Judge Kessler, how many cases do you handle in a year in the juvenile court division?

Judge KESSLER. We handle about 4,000 cases a year.

Senator SPECTER. And what is the longest period you have pending during the prior year from the time the procedure started until final disposition?

Judge KESSLER. Our very oldest case, do you mean? I'm not sure I can give you that figure today.

I can give you average figures.

NUMBER OF DAYS FROM REFERRAL TO DISPOSITION

Senator SPECTER. I am interested in knowing that. And I would be interested in knowing that as it relates to people, the juveniles in detention, who are held in detention.

Judge KESSLER. All right.

I can tell you that, on an average now, the time from that first day in court in new referrals to disposition for all detained children is approximately 87 days.

Senator SPECTER. How long—yes, go ahead.

Judge KESSLER. I'm sorry. The time from first day in court to trial for all detained children is approximately 61 days.

Now, of course, trial precedes disposition; and disposition turns on what you're going to do with the child.

After that first day in new referrals, we have motions of various sorts that are analogous to all your criminal motions; we have a full trial before a judge, as opposed to a jury; at that trial virtually all your adult criminal procedures are in effect. We do have pleabargaining in our juvenile system. We have to have a full rule 11 inquiry of any child who enters a plea; that's always a difficult thing to do, because, of course, you want to insure comprehension on the part of the child.

And then after trial we have what is called in our jurisdiction disposition. It is essentially sentencing.

The options are: A child may be placed on standard probation. A child may be placed in our restitution program, which is essentially a much stricter version of regular probation. And a child may be committed to the Department of Human Services.

If a child is committed, they may be sent straight to the Children's Center, where they may be incarcerated; they may be placed on aftercare, which is a form of parole; they may be placed in a residential placement, which is a certain kind of school which will be secure or nonsecure, provide educational and psychiatric services; and, finally—and then I'll stop for questions—there is something called a restrictive commitment.

And what that means is a judge is committing a child to the Department of Human Services but is retaining a veto power over the release of that child; and the reason the judges are using that more and more is because of some recent case law in the District which very much restricts the authority of judges over children who are committed.

SPEED OF PROCESSING CASES

Senator SPECTER. Are you satisfied with the speed of processing these cases?

Judge KESSLER. I would like to see us get that child, even on an average, to trial in earlier than 60 days.

Senator SPECTER. What is the objective that you would like to achieve on time limits?

Judge KESSLER. Well, I would certainly like to move us down to 45 days. But, let me just add: We have court time to do that, and we have judges to do that by allocating judges in terms of priorities to juvenile cases.

We can set and we do set most of our cases within 30 days.

There is about a 25-percent continuance rate on that 30th day; and that means that many other factors in the system are not ready for trial.

SUFFICIENT JUDICIAL PERSONNEL

Senator SPECTER. Do you have sufficient judicial personnel to do the job in your division?

Judge KESSLER. The answer to that is, we have made sufficient personnel, but we have done that by withdrawing judicial resources from other areas within my division.

Senator SPECTER. Are you suggesting you would like to have more judges?

Judge KESSLER. Yes.

Senator SPECTER. How many?

Judge MOULTRIE. I'll take that question. [Laughter.]

We'll discuss that tomorrow morning; that's one of the questions for tomorrow morning, sir.

Senator SPECTER. I may not ask that question tomorrow morning.

Judge MOULTRIE. Well, we'll take all the judges we can get. We are asking for seven.

Senator SPECTER. How many do you have now?

Judge MOULTRIE. Forty-four.

Senator SPECTER. OK.

ROLE OF THE CORPORATION COUNSEL

Let's turn to Corporation Counsel Rogers; we welcome you here. I had a chance to talk with you a little over 2 years ago, Ms. Rogers, when I took over as chairman of the Juvenile Justice Subcommittee; and I am pleased to see you here today. And I look forward to your testimony.

Ms. ROGERS. Thank you, Mr. Chairman.

I have some statistics I can share with you to build upon what Judge Kessler has been describing by way of process.

Senator SPECTER. Please.

Ms. ROGERS. We have figures for fiscal year 1982.

About 3,600 delinquency cases were referred to our office, resulting in about 2,500 cases where charges were actually filed; 411 trials were held; guilty pleas were entered in another 1,000 cases, approximately.

We have referred about 169 juveniles to the U.S. Attorney's Office for determination of whether or not they should be charged as an adult.

If you recall, our statute is set up so that with respect to the more serious part I offenses for persons who are 16 and 17 years old, the U.S. Attorney has the first option to decide whether or not to charge that youngster as an adult.

Senator SPECTER. For 16 or 17, the U.S. Attorney has that?

Ms. ROGERS. Yes; that is correct.

Senator SPECTER. And in what category do you make the decision as to whether or not to refer?

Ms. ROGERS. If the U.S. Attorney decides not to charge the youngster as an adult, then the matter comes back to our office so we can decide to file a petition of delinquency.

Senator SPECTER. Now, would that go first to the U.S. Attorney?

Ms. ROGERS. Yes; it would.

Senator SPECTER. And if the U.S. Attorney decides not to proceed with what would be an adult prosecution, it comes back to you?

Ms. ROGERS. That is correct.

Senator SPECTER. If you disagree, is there any way to send it back to him?

Ms. ROGERS. We have informal procedures—both the deputy in the criminal division, Mr. Davis, and the section chief, juvenile section, Mrs. Huhn, work closely with the U.S. Attorney's Office on those matters. There are some disagreements, but I think in large part our offices have worked well together. I think there's some concern, depending on what the child's background is, whether it is the first-offense, whether there is a prior record, and whatever else may be involved. There may also be cases involving more than one defendant.

TRYING JUVENILE AS AN ADULT

Senator SPECTER. Below the age of 16 there is no way to try that juvenile as an adult?

Ms. ROGERS. No, Mr. Chairman. There is a provision for waiver of jurisdiction, whereby we would petition the Court to have that youngster transferred for prosecution as an adult. So there are two ways a juvenile may be tried as an adult.

Senator SPECTER. What is the youngest at which that——

Ms. ROGERS. The statutory minimum age is 15 years.

Senator SPECTER. What's the youngest you've seen it done?

Ms. ROGERS. Fifteen, I guess. I'd be happy to correct that if I'm in error.

TYPES OF CASES HANDLED

In addition, Mr. Chairman, we handle persons in need of supervision. There are slightly under 100 cases a year which result in 50 actually going forward.

Finally, we handle a little over 300 child neglect cases involving almost 500 children; again, about half of those result in charges being filed, and others are either referred to Mrs. Rowe's office or to the protective services part of the court.

Finally, the juvenile section also has responsibility for handling intrafamily offenses. These are offenses that would normally be criminal where there is some relationship between the parties; such as the husband and wife assault, the boyfriend-girlfriend battering.

Since March 1982 over 1,000 complaints have come into our office under a fairly new statute. The result is over 300 civil protection petitions, over 500 warning letters, 7 temporary protection petitions, and 302 cases where other action has been taken, either referral for mediation or to another community agency.

MAJOR AND REPEAT OFFENDERS

We have attempted in our office, Mr. Chairman, to focus on two major areas in the delinquency area: In one, we have been working with the police department on a fairly new program to focus on the repeat offender; second, we have the major offenders program, where we handle cases involving youngsters who are not only committing serious offenses, but who have a long record of previous involvement either with the——

Senator SPECTER. Wouldn't those customarily be tried as adults? Or are you talking about children under fifteen?

Ms. ROGERS. They may be children under 15, but they may be older; and for one reason or another there is no adult prosecution.

Senator SPECTER. Why shouldn't they be tried as adults if you have repeat offenders?

Ms. ROGERS. Well, if I may, Mr. Chairman, I am not of the view that a blanket rule ought to apply here. We have enough problems in the adult system in terms of what happens in the adult system, and the limited services that are available.

Senator SPECTER. You are suggesting that tough criminal cases might be handled preferably in the juvenile system as opposed to the adult system?

Ms. ROGERS. I would not characterize it that way. I think the statute has tried to draw the line, giving the prosecutor of the adult cases the option of making that decision in the case where there is a serious violation; if the evidence is there, the prosecutor can proceed against that 16- or 17-year-old as an adult. If he does not, then it is left to the juvenile system.

Senator SPECTER. The question comes to my mind—you talked about programs for juvenile offenders—career criminals is I think the word you used?

I hear career criminals everywhere; did I hear you use it?

Ms. ROGERS. I don't believe so. I used the phrase major offenders, or repeat offenders.

Senator SPECTER. Repeat offenders, that was the word you used.

Well, repeat offender is not too far, depending on how much repetition; what do you mean by repeat offender—I'll back up?

Ms. ROGERS. Repeat, meaning he's been before us on another charge previously. What I'm trying to focus on, though, is what our major goal is in the area. There have been legislative decisions made about where we want to make an extra effort with a person who, although charged with a serious offense, comes within the realm of the rehabilitative effort of the juvenile system.

Senator SPECTER. You are coming back tomorrow?

Ms. ROGERS. Yes; I am.

Senator SPECTER. Well, I would like to pursue this with you tomorrow when the U.S. Attorney is present; it would be a good time to compare the approach in juvenile court versus prosecuting as adult offenders.

CRIME RATE AMONG JUVENILES

Let me turn to Captain Bostrom for a moment or two on the question as to what is the crime rate among juveniles?

In January 1981 there was a major report filed about the substantial increase in juvenile offenses as of that time.

What's the picture today? Have juvenile offenses gone up or down? National crime statistics report a 4-percent decline; what's happening with juveniles in the District of Columbia?

Captain **Bostrom**. In fact, over the last 5 years, juvenile crime has declined about 25 percent.

If you look back to 1970, for example, juvenile arrests represented approximately 36 percent of part I arrests, total.

Part I juvenile arrests are down to about 21 percent.

Senator **Specter**. What is it now, you say?

Captain **Bostrom**. It's now 21 percent.

Senator **Specter**. What is the total number of arrests? What is the absolute number? What does the 36 percent amount to?

Captain **Bostrom**. In fiscal year 1982 we estimated that 3,595 juveniles were arrested and referred to court for a criminal matter; those are both part I and part II offenses.

Senator **Specter**. And fiscal year 1981?

Captain **Bostrom**. In fiscal year 1981 there were 3,780; and in fiscal year 1980 there were 4,412.

REASONS FOR DECLINE IN JUVENILE CRIME

Senator **Specter**. How do you account for that decline?

Captain **Bostrom**. In part I think there are probably three reasons:

First, there has been a 33-percent decline in the juvenile population here in the District over the last 10 years.

I think secondarily, to a significant degree, the programs in the juvenile area have been working.

And, last, I think that to some degree the police have been dealing with juvenile crime in a different fashion than they have in the past.

Senator **Specter**. Crime prevention programs have been working?

Captain **Bostrom**. Yes.

EFFORTS OF OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Senator **Specter**. Is that in any way due to the efforts of the Office of Juvenile Justice and Delinquency Prevention?

Captain **Bostrom**. I would like to say yes, but I would probably have to say no.

Senator **Specter**. Well, let's start with the first part.

Why would you like to say yes?

Captain **Bostrom**. My impression from some brief discussions we've had with those folks is that they're interested in arresting juveniles.

Senator **Specter**. Do you mean the Office of Juvenile Justice and Delinquency Prevention?

Captain **Bostrom**. Yes.

Senator **Specter**. Do you think the emphasis for the moment or in the past has been too much—at the moment—on arrest and punishment as opposed to delinquency prevention?

Captain **Bostrom**. At the moment I think the emphasis is on arrest; where, certainly that's very important, but——

Senator **Specter**. From OJJDP?

Captain **Bostrom**. That is my impression; correct. That is my impression.

Senator SPECTER. Do you think that there should be more emphasis in OJJDP on delinquency prevention?

Are you familiar with the controversy which is present on the nomination issue as to Mr. Regnery?

Captain BOSTROM. Yes.

Senator SPECTER. So you would recommend the new director of OJJDP move in a way toward delinquency prevention as opposed to prosecution and punishment?

Captain BOSTROM. With reservations, yes. Certainly it's——

Senator SPECTER. It's interesting to hear you say that because the bulk of what we have heard on the subject is just the contrary; the bulk of what we have heard is that the emphasis of OJJDP has been on delinquency prevention.

Captain BOSTROM. I think in the past, historically, it has been.

Senator SPECTER. Well, when——

Captain BOSTROM. I think in terms of the way OJJDP is considering going, the emphasis is going to be on arrest-oriented programs as opposed to prevention programs. Again, I could be mistaken about that. But that's my impression.

Senator SPECTER. But do you agree that in the past OJJDP has had more emphasis on delinquency prevention?

Captain BOSTROM. Certainly, yes, sir.

Senator SPECTER. Well, at what point do you think it has shifted from delinquency prevention to prosecution and punishment? At what time do you put that?

Captain BOSTROM. In the rather recent past.

Senator SPECTER. You mean when Mr. Regnery became acting director?

Captain BOSTROM. Yes.

Senator SPECTER. And what——

Captain BOSTROM. I am sorry, but again, these are only impressions, and I have no concrete information—little concrete information to back those impressions.

Senator SPECTER. Well, what is your feel for the situation? I'm not asking you for hard evidence. Nobody can check to have Judge Kessler exclude your testimony. What is the base for your sense?

Captain BOSTROM. The basis for my impressions are conversations we have had with some of the folks at OJJDP.

EMPHASIS OF THE OFFICE OF JUVENILE JUSTICE AND DELINQUENCY PREVENTION

Senator SPECTER. And what do you think should be the emphasis of OJJDP?

Captain BOSTROM. I think I agree with the current acting director, which is that arrests are important; however, if you can prevent crime, you don't have to concern yourself with arrests. Certainly, OJJDP and the Police Department have problems with juvenile crime prevention because you can't measure that.

PREPARED STATEMENT

Senator SPECTER. Well, these are very important subjects that I would like to proceed on. We have gone longer than I had anticipated.

As I said at the outset, the Senate has a secret hearing on Central America; so I would like to recess the hearing. We will insert Captain Bostrom's prepared statement at this point.

[The statement follows:]

STATEMENT OF CAPT. DAVID BOSTROM

Good afternoon. I am Captain David Bostrom of the Metropolitan Police Department. I am assigned as the Assistant Commander of the Youth Division, and I shall be discussing the police department's efforts to control juvenile crime. During this presentation, I shall outline the police department's organizational approach to juvenile matters; discuss recent trends in juvenile crime generally, with specific emphasis on trends in drug-related juvenile arrests; and sketch the police department's future plans regarding juvenile law enforcement activities.

[The police department's organizational approach to juvenile matters]

The youth-oriented activities of the Metropolitan Police Department are somewhat decentralized. Each of the seven police districts staffs a Youth Services Unit, composed of six to nine officers and one sergeant (supervisor). That unit is responsible for the majority of delinquency-oriented enforcement matters occurring in that police district, matters ranging from truancy enforcement to processing most juveniles arrested for delinquent acts. The Youth Division has responsibility for providing direction and support for the Youth Services Units, as well as specialized handling of youth matters, such as child abuse investigations, missing persons investigations, handling serious juvenile offenders, and delinquency prevention programs.

The Department's youth-oriented activities can be grouped into three categories: 1) delinquency prevention, 2) child protection, and 3) juvenile enforcement.

The police activities surrounding the Metropolitan Police Boys and Girls Club are the largest of the Department's delinquency prevention programs. Nine clubs and a summer camp are funded by the Club (a private, non-profit organization) and staffed with twenty officers and officials from the Youth Division's Delinquency Prevention Branch. Using structured athletic and recreational activities as a vehicle, club members are taught sportsmanship, citizenship, and other important skills. During Fiscal Year 1982, the Club sponsored activities for 4700 young men and women.

The Community Relations Division sponsors three programs aimed at young people: the Officer Friendly Program (sworn officers whose time is largely devoted to citizenship presentations and other programs in the schools), the Side by Side Band (sworn officers who play in schools and for other community programs), and the Youth Awareness Program (a new instructional-motivational project designed to teach teen-age youth important information about substance abuse and similar things). Other delinquency-prevention activities are performed by School Co-ordinators (officers assigned to each police district's Community Services Unit) and by Youth Services officers.

The Department's child protection efforts are centralized in the Youth Division, and include the investigation of missing persons (all juveniles and those adults who are a danger to themselves or others or who may have been the victim of foul play), juvenile sexual exploitation, and child abuse and neglect. The responsibility for the investigation of child neglect complaints is shared with the Child and Family Services Division of the Department of Human Services; however, unlike many other jurisdictions, the Youth Division has sole responsibility for the investigation of child abuse complaints and is the only District of Columbia agency which can take a child into protective custody without a Court order.

The Department's juvenile enforcement activities result in diversion from the juvenile justice system or Court referral. During Fiscal Year 1982, youth officers diverted 3048 juveniles from the juvenile justice system and referred 4603 juveniles to Court. (It should be noted that these figures include both "criminal" matters, such as arrests for theft, assault, etc., and "non-criminal" matters, such as failure to appear for a Court hearing.) More than 9000 truants were picked up and returned to school by police during that period.

[Recent trends in juvenile crime, nationally and in the District of Columbia]

Federal Bureau of Investigation national figures indicate that between 1975 and 1980, adult arrests increased; however, during the same period, juvenile arrests declined. In 1980, juvenile arrests composed 21% of all arrests. [National Institute for Juvenile Justice and Delinquency Prevention] A similar trend can be seen in the District of Columbia. In the decade 1971-1981 juvenile arrests declined by 35.2%, while adult arrests increased 1.2%. During that same period, the youth population in the District of Columbia declined 33%. Data comparison of arrests for Part I offenses during the five-year period 1977-1981 is even more dramatic: juvenile arrests were down by 26.9% while adult arrests were up by 25.4%. [Office of Criminal Justice Plans and Analysis] Additionally, in calendar 1981, juveniles composed 21% of all those arrested for Part I offenses:

Offense	Juvenile Arrests	% of Total
MURDER	12	6%
RAPE	18	13%
ROBBERY	462	24%
ASSAULT	228	14%
BURGLARY	572	28%
LARCENY	768	17%
AUTO THEFT	360	31%

While these figures, which reflect a reduction in juvenile arrests, are somewhat encouraging (if one supposes a correlation between juvenile crime and juvenile arrests, which cannot be established), an increase in juvenile arrests for one category of crime is disturbing. In Fiscal Year 1982's Juvenile Justice Plan for the District of Columbia, prepared by the Office of Criminal Justice Plans and Analysis, it was noted that juvenile arrests for drug-related offenses had declined during the period 1979-1980; however, those arrests then increased 8.9% during the period 1980-1981. The report postulated that the noted decrease from 1979-1980 was only a temporary variation and that juvenile drug use was increasing. A review of additional statistical data indicated that the increase in drug-related juvenile arrests during the period 1980-1981 was in large part due to a surge in juvenile arrests for drug sale arrests, which increased 222%, while simple possession arrests declined 4%.

During the 1981-1982 school year, the Narcotics Branch of the Morals Division conducted an analysis of student drug abuse in the public school system. In part, the analysis reached the following conclusions:

- Early drug activity involves children seven through ten years of age who are experimenting with inhalants. This develops when the child observes older children engaged in drug use or when the child accidentally discovers the psychoactive effects of household items, such as glue, solvents, etc. An older group of children, generally aged ten through fourteen, become involved with the use of cannabis, usually in the form of marijuana cigarettes. The use of "hard drugs" (cocaine, heroin, etc.) is generally limited to children over fourteen.

o Of the 50 arrests which occurred during the time period reviewed, only seven were made in or around the student's school. In these cases, the student had purchased cannabis elsewhere and brought it to the school area to use or sell. Juveniles obtain drugs generally in the same manner and from the same areas as do adults; that is, "street" purchases in areas of the city known for drug activity.

o There appeared to be a correlation between drug-related activity and poor school performance. Most of the students selling cannabis and P.C.P. had either dropped out of school or had poor attendance records, while those selling preludin, dilaudid and heroin were all drop-outs. As a general rule, most of those students found using drugs had poor grades.

[The police department's plans for future juvenile law enforcement activities]

As the result of budget considerations, Cedar Knoll, a juvenile institution located in Laurel, Maryland, is scheduled to be closed at the end of this fiscal year. Currently, Cedar Knoll provides minimum security care for a daily population of 128 alleged and adjudicated juvenile offenders. This total reflects a daily population of 52 juveniles detained by the Court pending trial and 76 juveniles committed by the Court following adjudication. The Youth Services Administration of the Department of Human Services is responsible for the operation of Cedar Knoll and other programs of a "corrections" nature designed to rehabilitate juvenile offenders. The Youth Services Administration plans to transfer the majority of the current daily population at Cedar Knoll to several new group homes and to a community-based home-detention program. The latter home-detention program would involve intensive staff supervision at a ratio of two staff members for each group of ten juveniles. Even with this staff ratio, some concern has been expressed regarding the potential that some of the juveniles involved in the home-detention program will continue their involvement in delinquency activities. I feel that this program can be successful, if care is given to implementation and if the police department can support the Youth Services Administration in their monitoring of these alleged and adjudicated juvenile offenders. Our agencies are currently involved in serious discussions of ways in which this assistance could be provided.

As I indicated earlier, the police department's youth officers currently divert from the juvenile justice system a number of juvenile offenders, most of whom are involved in minor offenses. Currently, this diversion is accomplished in conjunction with an informal counseling session involving the Youth Services or Youth Division officer, the juvenile offender, and his parents. In order to make this diversion more effective for those juveniles who need more than a one counseling session, the Youth Division is currently exploring ways in which this counseling could be made more meaningful, and ways in which the juvenile could be directed to available community resources when the need is indicated.

This concludes my prepared remarks. I shall be happy to answer any questions you may have.

RETURN OF PANEL

Senator SPECTER. I understand in any event that many of those on the panel are scheduled to return. You are not, Captain, but if you could accommodate it into your schedule, we would like to have you back.

Captain BOSTROM. Yes, sir.

Senator SPECTER. Judge Kessler, had you planned to be back? If you could return tomorrow, I would appreciate it.

Judge KESSLER. I will be here.

Senator SPECTER. Thank you.

And Judge Moultrie, you had planned to be here? And Ms. Rogers, you had planned to be here?

Ms. Rowe, had you planned to be here?

Ms. ROWE. No, sir.

SUBMITTED QUESTIONS

Senator SPECTER. I do not believe it necessary that you return unless you would like to. I think the emphasis is going to be on the prosecution aspect. Thus we will take up the matters tomorrow, and if something arises we can always get in touch with you and ask you to provide the information. I have some questions which I will submit for response for the record.

[The following questions were not asked at the hearing but were submitted for response for the record:]

QUESTIONS SUBMITTED BY SENATOR SPECTER

DEPARTMENT OF HUMAN SERVICES

SENATOR SPECTER:

1. Your Department is in charge of the foster care children. How often are these children checked on?

COMMISSIONER ROWE:

1. Children in the foster care system are monitored through telephone contacts, school conferences, office visits, foster home visits and/or Administrative Reviews. This monitoring will vary from several times a week to once a month based upon the child(ren)'s needs, ages and place of placement. Some of our children are living with foster parents who have since moved to other states. In these instances, the monitoring of our foster children in these homes is coordinated with that area's Social Service Office.

SENATOR SPECTER:

2. Do you have an exact figure of how many children you have in the foster care system?

COMMISSIONER ROWE:

2. As of April 30, 1983, there were 2,138 children in the District of Columbia foster care system. The Department instituted a Child Tracking System in November 1982. This system provides us with the whereabouts, age, parent(s) names, and other critical data on our children in the foster care system.

SENATOR SPECTER:

3. What methods are being used to get the children adopted or placed in permanent homes?

COMMISSIONER ROWE:

3. In fiscal year 1982, the Commission on Social Services took several steps to ensure that children in the foster care system are adopted or placed in permanent homes. The new thrusts included a realignment of Child Protective Services and Residential Care Services to form the Child and Family Services Division. The agency's goal is to accelerate the return of children to their birth parents or relatives. To aid in meeting this goal, each child in the foster care system must have a case plan. This plan is developed with the child(ren), parents, foster parents and the caseworker. Specific goals, steps and time frames are identified that ensure permanency for these children. These case plans and goals are reviewed and updated every six months. They are also reviewed through court hearings and the agency's Administrative Review process.

   The Administrative Review process was developed in FY'82 in compliance with the federal law PL 96-272 "Adoption Assistance and

Child Welfare Act of 1980", and involves agency reviewers, independent reviewers, the child(ren), parents, relatives, foster parents and significant others. All involved parties meet to discuss the stated goals to ensure that appropriate permanency plans are developed for these child(ren). Under the realignment, the Adoptions Branch was expanded. Its mission is the training and recruitment of potential foster and adoptive parents. The prospective parents participate in an orientation session and a six week training program around the realities of fostering and adopting. This new branch increases the homes available for children in foster care or adoption.

To augment our own resources, the Commission on Social Services also entered into a contract with a consortium of agencies in the private sector that provide adoptive homes. This group meets twice a month to review and present the children and homes available. There is special emphasis placed on finding homes for the difficult-to-place children. The Commission also has a special contract with Homes for Black Children, an agency specifically created to place black children with black families. Children are presented to Homes for Black Children at the same time they are presented to our own special homefinding unit.

SENATOR SPECTER:

4. Do you have a program set up to subsidize the parents who cannot afford to adopt?

COMMISSIONER ROWE:

4. There is a subsidized adoption program that is available to families who meet the qualifications for adopting, but are unable to assume complete financial responsibility for the child's needs. This program allows many of the low income foster parents, who have been caring for older children for long period of time, to adopt. There are strong emotional ties in many of these cases.

The subsidized adoption program is available for children who are
- . legally free for adoption and less than 18 years old;
- . considered difficult to place in adoption due to:
  - age (5 years or older) or race;
  - handicapping physical or mental conditions; or
  - being part of a sibling group.

Subsidized adoption is available until a child reaches his 18th birthday. The subsidy payment can be up to what a child would have received had he remained in foster care and can also include medical care and one time only legal fees.

SENATOR SPECTER:

5. How long do these children remain in the system before they are adopted?

COMMISSIONER ROWE:

5. The average length of time a child remains in foster care is 7

years. The time a child remains in foster care before being adopted varies. Much of this depends upon the age of the child. However, we are confident these new initiatives will significantly reduce the length of time a child is in care before being adopted.

SENATOR SPECTER:

6. Do they stay in one home until they are adults if not adopted?

COMMISSIONER ROWE:

6. There are situations in which children have remained in one foster home until adulthood. On the average, children experience three moves while in foster care.

SENATOR SPECTER:

7. What cost is this type of program to the city?

COMMISSIONER ROWE:

7. In FY'84, the Department expects to spend $13,500,000 in appropriated funds for foster care. This cost includes residential placement for those children with special needs that could not be provided in a foster or group home, and subsidized adoption costs.

   Funding for the residential program is supplemented by $1,300,000 in revenues from D.C. Public Schools, and Federal reimbursement where the child is eligible for the AFDC-foster care program, of $4,900,000.

SENATOR SPECTER:

8. Has this program been throughly investigated to see what is happening to the children?

COMMISSIONER ROWE:

8. Yes. In 1978, an internal audit and investigation was conducted that revealed several deficiencies in our foster care information system. In response to that audit and our desire to provide the best care possible for our children, several systematic changes were made, and we now have extensive data on our foster care children.

   The Mayor's Committee on Child Abuse and Neglect, comprised of community organizations, advocacy groups, private agencies and other components of the District of Columbia government, has the responsibility for oversight and review of our foster care and protective services system, to insure our compliance with stated goals.

   Finally, the services provided for our children and families in foster care or subsidized adoption are subject to annual federal reviews and audits.

   We feel very positive about the strides made in providing quality care for our children with the goal of ensuring permanency in their lives.

SENATOR SPECTER:

9. If you do not receive an increase in the Federal payment, what type of services will you have to cut in order to maintain St. Elizabeths Hospital within the present range of funding?

MR. BUFORD:

9. The city is hoping that we will receive the Federal payment increase. If the Congress does not approve the full increase, the District government will have to take another look at the total 1984 budget request.

SENATOR SPECTER:

10. What type of services do you plan to charge an escalating fee?

MR. BUFORD:

10. Dr. Hardaway, Commissioner of Public Health, and his staff have been reviewing cost and utilization data on our health clinics to determine whether we are capturing the full revenues that can be earned from Medicaid, Medicare, and other third party payors for services given our patients. I expect they will recomend a revision of the existing fees. In addition, we have asked the Council to grant us authority to establish a sliding fee scale at our health clinics, and to charge for some services--for example, immunizations--that we are now required to deliver free of charge, even if the patient is fully insured. We will, of course, continue our policy that no one seeking health services will be turned away because of inability to pay.

SENATOR SPECTER:

11. How have the different responsibilities within the Department been shifted in order to maintain the present level of service with some of the positions being abolished?

MR. BUFORD:

11. Most of the positions being abolished have been vacant for many months, and their abolishment therefore has no impact on the program's ability to maintain current services.

SENATOR SPECTER:

12. Give an update on the AFDC error rate. What methods are you using to reduce this error rate even more?

MR. BUFORD:

12. The AFDC payment error rate, subject to Federal re-review, for the period April-September, 1982, was 16.43%. In order to reduce this error rate to the Federally mandated level, the Department (1) has implemented an integrated corrective action plan that combines the elements of error-prone profiling with selective case action, management control and local office monitoring, (2) has intensified its wage, interjurisdictional and unemployment

insurance matches, (3) instituted a quality assurance review system that monitors the completeness and accuracy of worker actions, and (4) increased training activities and the revision of forms.

SENATOR SPECTER:

13. The 1984 budget contemplates substantial changes in the District's General Public Assistance Program. What is the current GPA caseload and the anticipated caseload for fiscal year 1984?

MR. BUFORD:

13. The GPA caseload for March, 1983 was 5,439 cases. For fiscal year 1984, we are projecting the average monthly caseload at 5,000 cases.

SENATOR SPECTER:

14. The Committee has received expressions of concern from private providers of social services that these agencies will not be able to pick up the slack in services. What analysis and discussions did you have with these providers in developing your 1984 budget to insure that no individuals would slip through the city's safety net of services?

COMMISSIONER ROWE:

14. The Commission on Social Services held extensive discussions with service providers during the development of the fiscal 1984 budget. The Mayor's Transition Committee and the Ad-Hoc Task Force on the Social Services Block Grant included private service providers, who were intimately involved in development of the fiscal year 1984 budget. Fiscal realities in the social services budget will require closer scrutiny of contract requests made by service providers, but we should be able to reduce overhead and administrative costs in order to insure that direct service delivery is not affected.

DEPARTMENT OF RECREATION

SENATOR SPECTER:

1a. Your position request for fiscal year 1984 is 457, that is a reduction of 10 positions. What positions are you abolishing?

MRS. ROBERSON:
1a. The positions abolished are ten continuing full-time positions: 3 Auto Mechanics; 2 Senior Maintenance Mechanics and 5 General Maintenance Mechanics.

SENATOR SPECTER:
1b. With the great need that you anticipated for fiscal year 1983, how do you plan to manage with 10 less positions in 1984?

MRS. ROBERSON:
1b. These were funded, but unfilled positions. Therefore, the Department plans to better utilize current manpower and other resources and cost saving devices such as contractual services. The improvement of the appearance of some major centers will not be achieved because of this reduction. Thus the repair of aging facilities will be deferred another year.

SENATOR SPECTER:
2a. In reference to the golf courses in the District, did the reorganization for the Langston course take place?

MRS. ROBERSON:
2a. Yes, Senator, the reorganization has taken place.

SENATOR SPECTER:
2b. If so, who is the new concessionnaire?

MRS. ROBERSON:
2b. A new concessionnaire, Golf Course Specialists, Inc., has been selected by the National Park Service, subject to Congressional review. The proposal was sent to the House Interior and Insular Affairs Committee and the Senate Committee on Energy and Natural Resources by the Park Service on April 28. We expect Congressional action by the end of June on the proposal.

SENATOR SPECTER:
3a. With the great demand for the recreational facilities in the District, how many programs do you have organized that you charge a small fee that can help offset some of the expense for operating those facilities?

MRS. ROBERSON:
3a. We conduct a number of programs for which we charge a small fee. However, these fees are used to defray the costs for these activities. Most of the activities for which we charge a fee are instructional classes and the fees generally pay the cost of the instructor only. There are no funds available to offset the other operating expenses of these facilities.

SENATOR SPECTER:
3b. Name the various programs and give the number of enrollees.

MRS. ROBERSON:
3b. The programs and number of enrollees for which we collect a nominal fee to defray expenses for the activities are as follows:

Program	Approximate Enrollees	
	Adults	Children
Neighborhood Recreation Centers Instructional Classes	1,500	480
Adult Sports Program	1,584 teams	...
Adult Recreation Centers	1,200	...
Day Camps	...	1,200

In Adult Sports, teams participate in league play in basketball, volleyball, and softball; the franchise fees for these teams are used to pay officials and to purchase individual trophies for the teams.

DEPARTMENT OF EMPLOYMENT SERVICES

SENATOR SPECTER:
1. Give a breakdown to show if the error rates for unemployment for 1981, 1982, and 1983 have decreased.

MR. SHANNON:
1. The U.S. Department of Labor has established two standards for accuracy. The first one is for processing Initial Claims (new claims), and the second for Weeks Claimed. For Initial Claims the standard is that the error rate be no more than 3%, and for Weeks Claimed, no more than 7%.

For Initial Claims, the District's error rate was 1.6% in FY 1981 and 1.2% in FY 1982. For Weeks Claimed the error rate was 3.2% in FY 1981 and 5.2% in FY 1982. For both years the District of Columbia has met the standards. FY 1983 data has not been completed in either category.

SENATOR SPECTER:
2. What are the five new positions and what sections do you plan to utilize these positions for?

MR. SHANNON:
2. The FY 1984 appropriated positions requested for the agency reflect a net decrease of one position from 130 to 129. Within this reduced base, a DS-11 Apprenticeship Training Representative is being added to the Apprenticeship and Training Program (4210). Also within the agency's reduced base, two positions (DS-12 Executive Assistant and DS-7 Secretary) have been redirected to the newly established Employment Compensation Appeals Board (1701), as well as three positions (DS-14 Director, DS-12 Claims Examiner and DS-4 Secretary) to staff the Crime Victims Compensation Program (1900) which began operation in October, 1982.

SENATOR SPECTER:
3. Approximately how many people utilized the training program under the Youth Employment Act in 1982 and 1983?

MR. SHANNON:
3. In 1982 there was no training/retraining component funded. For the first six months of 1983 there have been approximately 600 persons enrolled in the training/retraining component.

SENATOR SPECTER:

4. Exactly what are the other appropriated programs set up under this act other than the training?

MR. SHANNON:

4. The other programs components under the Youth Employment Act are:

- In-School - a work experience program for students between the ages 14 and 21 years.
- Out-of-School - a work experience and training program for youth between the ages of 16 and 24 years.
- Adults with Dependents - an on-the-job training program for adults ages 22 and above with dependent children.
- Summer Youth Employment Program - short-term work experience during the summer for youth between the ages 14 and 21 years.

SENATOR SPECTER:

5. How many violent crime victims have used the Compensation Fund to date since it was enacted?

MR. SHANNON:

5. Since the Crime Victims Compensation Program began last October the office received a total of forty-three (43) applications requesting compensation. A total of two (2) crime victims have received awards totaling $6,002 dollars; thirteen (13) claims have been denied; and twenty-eight (28) are pending completion of the verification process.

UNEMPLOYMENT COMPENSATION FUND

SENATOR SPECTER:

1. You are expected to have a $400,000 decrease in the D.C. Unemployment Compensation Fund. Does this mean that the City will not have any layoffs or RIFs this year in order to maintain the unemployment compensation at the present level or less?

MR. SHANNON:

1. We have projected that 4,100 former District Government employees will receive unemployment compensation benefits in FY 1984. This level is 150 below the planned FY 1983 level. In addition, the average number of weeks that former employees will receive benefits is expected to decline from 18.2 weeks in FY 1983 to 16.9 weeks in FY 1984 resulting in the projected decrease in expenditures of program funds. As to any layoffs or RIFs in the District Government, it is the Mayor's stated position that no such actions are planned in FY 1984.

SENATOR SPECTER:
2. Do you have an extended benefits program set? If not, what do you do with claimants who are still unemployed after the initial 18.2 weeks of benefits are terminated?

MR. SHANNON:
2. The District's Extended Benefits (EB) Program is not currently in effect because our Insured Unemployment Rate (IUR) is only 3.97%; it must reach 5% before the District "triggers on" EB. However, claimants whose regular benefits have been exhausted after 26 weeks are eligible for eight (8) additional weeks of benefits under the Federal Supplemental Compensation (FSC) Program, currently authorized through September 30, 1983.

DISABILITY COMPENSATION

SENATOR SPECTER:
1. You are projecting that the claimants that will be served in Fiscal Year 1984 will probably be maintained at the same level as Fiscal Year 1983 but you will sustain a decrease of $2,932,000. How do you justify the decrease? Are some of the medical benefits cheaper than they were in 1983?

MR. SHANNON:
1. Although the budget as presented shows a decrease from $14,490,000 in FY 1983 to $11,558,000 in FY 1984, spending actuals for FY 1983 are currently projected at approximately $12,000,000 million. The decrease to be sustained, therefore, is approximately $450,000. Even though medical benefits are not expected to be cheaper in FY 1984, the spending reduction will be accomplished through improved administration. Eligibility redeterminations will be made during FY 1983 for all persons on the automatic payroll. In addition a more aggressive vocational rehabilitation effort will be made to return formerly disabled employees to gainful employment. Even though the rate of pay per claimant will increase, it is expected that a decrease in duration of benefits will effect a reduction in total disability payments. These actions are expected to reduce expenditures to the $11.5 million requested in the FY 1984 budget.

COMMISSION D.C. GENERAL HOSPITAL SUBSIDY

SENATOR SPECTER:

1. In relocating the District's Central Laboratories from Indiana Avenue to D.C. General Hospital after the renovations have been completed at the facility, will the laboratory have to take on additional staff or will the combining of the two labs have enough employees to handle

the workload and the quality of work that is expected from the merger.

MR. JOHNSON:

1. When the District's Central Laboratories are relocated to D.C. General Hospital, the combined staffs will be sufficient to handle the volume as well as the quality of lab tests.

DISTRICT OF COLUMBIA OFFICE OF HUMAN RIGHTS

SENATOR SPECTER:

1.You stated in your narrative page 492 that the Commission will continue in fiscal year 1984 to increase the number of cases certified that are more than two years old. How much of a backlog do you have, and how long does it take to get cases certified?

DIRECTOR SHELTON:

1. The narrative states that the Commission will continue in FY 1984 to eliminate from its caseload, through public hearings, certified cases more than two years old. But (the narrative continues, explaining impacts of a budget decrease from FY 1983), the Commission may experience an increase in the number of more recent cases awaiting hearings.

Your question requires clarification of our case enforcement process in order that it may be answered. It is the Office's responsibility to investigate discrimination complaints, and the Commission's to adjudicate them. Investigation is completed within 120 days (4 months) of docketing, and cases are closed, in approximately two-thirds of all complaints brought to the Office. The remaining third include some which are complex, others in which parties engage in lengthy settlement efforts or delaying tactics, plus the majority of cases in which the Office ultimately finds probable cause to believe respondents engaged in discriminatory practices. Of these probable cause cases, two or three further months may elapse for the preparation of litigable letters of determination and for a mandatory 30-day period of post-determination conciliation. This may be further prolonged if parties show serious intent to settle. Only those cases in which conciliation has failed are certified by the Office to the Commission for hearings.

The Office measures its backlog in terms of cases which are over one year old from docketing. By this measure, as of March 30, 1983, the Office had 38 cases over one year old in a caseload of 305 cases, with 14 cases in post-determination conciliation. This compares with 63 cases over one year old in a caseload of 229 cases in October, 1980.

The Commission measures its backlog in terms of cases which are over one year old from certification by the Office. By this measure, as of March 30, 1983, the Commission had 36 cases over one year old from certification in a caseload of 64 cases, 28 of them awaiting orders after hearings. This compares with 85 cases over one year old from certification in a caseload of 122 cases in October, 1980.

Although remaining backlogs certainly concern us, in fact major steps have been made to reduce them during the last two years. This important and successful effort has not only reduced the Commission's caseload by 50%, but has also meant that, in FY 1983 for the first time in its history, the Commission is able to schedule cases for hearings in almost the same month they are certified from the Office.

Faced with budget reductions in FY 1984, it is believed that the Commission can best focus its resources by giving continued priority to its oldest cases (24 were two years old from certification on March 30, 1983, nine awaiting hearings and the balance awaiting orders after hearings). In turn this must mean that, while acting on other cases already scheduled for hearings, newly-certified cases will experience scheduling delays.

SENATOR SPECTER:

2. How much time do you anticipate you will have to use in monitoring the cable television industry? What methods do you use to monitor the cable industry?

DIRECTOR SHELTON:

2. The D.C. Human Rights Act of 1977, which was amended in 1982 by the passage of the Cable Television Communications Act, requires the Office to review and approve the affirmative action plans of firms submitting bids to operate a cable television franchise within the District, and to conduct reviews, approvals, and subsequent annual monitoring of the franchisee. The law requires equitable representation of minorities, women, and District residents in the workforces of the franchisee and all subcontractors with whom the franchisee does business.

The methods to be used in monitoring the franchisee will be those methods currently employed by the Office to monitor affirmative action plan performance of contractors to District Government over $10,000. Monitoring will entail the examination of workforce data to assure compliance with hiring goals, policies and practices established by the franchisee. It may entail on-site inspections. If deficiencies are cited by the Office, remedial action may be ordered. Monitoring may also include the review of findings of investigations of charges of employment discrimination brought against the franchisee or its subcontractors.

During the first year of cable television monitoring, it is anticipated that 30 to 40 hours will be spent weekly in monitoring, and in start-up activities. These activities would include the development of a system for analyzing and evaluating workforce data, and the annual report of the industry, in accordance with standards and procedures established by the legislation, and in developing an on-site monitoring instrument.

OFFICE ON AGING

SENATOR SPECTER:

1. Explain the duties of the Washington Center for Aging Services?

MS. PACE

1. The Washington Center for Aging Services is a long term care service center which provides skilled nursing and intermediate care to 190 residents including residents who are admitted for short periods of time through the residential respite care program. The Center will house approximately 276 residents when the renovation program is completed in 1984. The Center also hosts one of five Office on Aging geriatric assessment and case management projects, The Washington Elderly and Handicapped Transportation Service and a number of cultural events. A geriatric day treatment program is planned for FY'84. Two group homes and a community residence facility are also located on the grounds of the Center.

SENATOR SPECTER:

2. Who is eligible for the congregate and home delivered nutrition services, social and health services and for the administrative services of the agency?

MS. PACE:

2. Congregate meal service is available to District of Columbia residents who are 60 years of age (or older)(and their spouses) who are able to attend one of the sixty congregate meal sites. Priority for congregate meals is given to those persons who are unable to prepare or purchase adequate meals for themselves.

Home delivered meal service is available to D.C. residents 60 years and older who are determined to be in need according to the following criteria:

- physical or emotional inability to purchase or prepare meals
- person is not qualified for "meals on wheels" services from another source.

All District of Columbia residents who are 60 years of age (or older) are eligible to receive health and social services from programs funded by the Office on Aging. However, in order to maximize resources to serve a broader population we ask our service providers to make certain that persons receiving services from this program could not receive this service from any other source.

The agency provides direct administrative services to all senior citizens through the Information and Referral and the advocacy assistance programs which includes the Long Term Care Ombudsman and legal services developer. The agency also provides training, research and technical assistance programs to some 38 community based organizations serving the District's elderly. The Commission on Aging, other District agencies and nonprofit private organizations that serve senior citizens are eligible for administrative services of the Office on Aging.

SENATOR SPECTER:

3. How do you make the community aware of these services?

MS. PACE:

3. The community is made aware of services the Office on Aging offers in these ways:

Information and Referral unit provides, on a regular basis, public speakers to address groups (professional and community) including schools, colleges, organizations, agencies, clubs and meetings. The topics is usually "The Office on Aging: Our Role in the Community" and/or "Information and Referral: We Can Help." I & R staff also set up information booths on a solicited basis in the community.

"Spotlight on Aging," our bi-monthly newsletter with a present circulation of 13,000 is another means of touching and informing the community of what is available to them as well as keeping the target population abreast of information which has a direct impact upon them. The newsletter has been favorably accepted by the public and circulation continues to increase.

Brochures and posters carrying tag lines for quick association with the Office have been developed and are constantly distributed throughout our service area. The words "We Can Help" appears on all I & R brochures and posters and "Caring About...Growing Older, The D.C. Office on Aging appears on the general brochures describing the Office. Both tag lines are carried in each issue of the newsletter to re-enforce our function, to perpetuate recognition, and to urge the community to call us for help.

Periodic contact with the media via the Mayor's Office of the Press Secretary is maintained by submitting items for weekly announcements, the calendar, public service announcements, arranging interviews with reporters, and appearances of staff on various local radio and T.V. talk shows.

All of these public information components are used to apprise the community of who we are and what we do.

In addition to these public information activities, the Office on Aging also sponsors training workshops for District aging service providers and the community on a wide variety of topics. For example, on April 22-23, 1983 the office co-sponsored an interdisciplinary symposium on recent trends in geriatrics and gerontology for medical, nursing and social service professional and students of these professions.

This conference was also co-sponsored by the Commission on Aging, the citizens advisory group to the Mayor, Council and Office on Aging on the needs and concerns of older Washingtonians. The Commission has organized itself on a ward by ward basis, with mini-commissions on Aging operating in each ward to identify and solve local problems. Thus Commission and mini-commission members extend the Office on Aging's outreach efforts in making the community aware of available programs and services.

Office on Latino Affairs

SENATOR SPECTER:
1. Are all seven positions filled at the present time?

MR. VAZQUEZ:
1. Yes, all seven permanent/full time positions with the Office on Latino Affairs are currently filled. In addition, to supplement the

existing permanent/full time positions and meet the abundant workload of the office, three Intra-District positions have been filled to cover the areas of health and social services.

SENATOR SPECTER:
2. With the abundance workload indicated in your narrative, exactly how do you handle the majority of these cases? Are they referred to other agencies for the proper results or do you handle all the cases for the community?

MR. VAZQUEZ:
2. The Office on Latino Affairs is mandated by Public Law 1-86 to ensure that a full range of health, education, employment, and social services are made available to the Spanish-speaking residents of the District of Columbia. In this unique capacity, the Office on Latino Affairs, although not a direct service agency, is capable of and responsible for providing leadership, guidance, information, technical assistance, referrals, and coordination, including follow-up, with other D.C. government agencies and Latino community based organizations. The goal is to accelerate the incorporation of Latino residents into the city's mainstream. The Office on Latino Affairs has formed close linkages with D.C. government agencies as well as a network of Latino community based organizations to facilitate the referral process.

SENATOR SPECTER:
3. To date, how many cases do you average per week?

MR. VAZQUEZ:
3. The bulk of the clientele served by the Office on Latino Affairs is not the individual cases which are counseled and referred. Although these may average approximately 50 per week, independent of these cases there is a parallel group being served through a variety of community activities conducted by the office. These include seminars, workshops, technical assistance sessions, and special events. These activities are geared toward serving large groups of people, and emphasize better utilization of existing resources. Furthermore, the Office on Latino Affairs provides technical assistance to Latino community based organizations seeking to expand their service providing capability. Assistance in proposal writing has helped several Latino community based groups obtain more funding to serve larger numbers of people.

COMMISSION FOR WOMEN

SENATOR SPECTER:
1. The budget request is the same as 1983. Does that mean that the present staff and budget is adequate to meet the growing demands of legislation for women's rights?

MS. WILLIAMS:
1. There has been a dramatic increase in requests for information, services and resources which reflect the broadened interest and concern for and about women. This accelerated pace of actions and activities places on the Commission and its staff a formidable task of keeping abreast of these demands. There must be visible evidence by the Commission of its attempt to meet the goals and objectives of the organization. This level of funding will mean the rigorous applica-

tion of austere management controls, but more importantly, the resources of the Commission will not be able to expand at the rate the community expects it to do.

SENATOR SPECTER:
2. Will the Commission have to cut back on any projects or research in order to stay within the same budget level in 1983?

MS. WILLIAMS:
2. The Commission serves as a resource center for women in the District of Columbia. In fulfilling this obligation, the Commission prepares each year its set of priorities and initiates programs and projects in concert. The activities include: Institutes, Educational Programs, Neighborhood Outreach as well as initating research studies on critical issues affecting women and their families. The implementation of these projects and research efforts will have to be abbreviated. The Commission will have to rely on the materials already prepared and depend upon the content of its manuscripts, reports and manuals already in use for reference points and for educational and learning purposes. The initiation of the planned new projects such as Job Retraining, Career Change, Women-At-Risk, Health and Nutrition and the Female Offender will have to be postponed.

D.C. ENERGY OFFICE

SENATOR SPECTER:

1. Is it more economical to contract services for this program than to have a small permanent staff?

MR. CLINTON:

1. No. Contract services for this type of program generally cost approximately eighteen to twenty percent of the program's budget. This is based upon the general overhead cost attached to contracts by local universities and non-profit organizations, for example, United Planning Organization. We are administering the program with approximately six percent of the total funds (to include two full-time staff members - one who has not been permanently hired). Further, contract services for this program would still require constant monitoring and general administrative services by DCEO staff. Also, DCEO staff are better able to closely coordinate and ensure no duplication of this program with DCEO's federally funded energy programs and D.C. Department of Human Services' public assistance programs.

SENATOR SPECTER:

2. Give a breakdown on how these funds were administered in 1982 and 1983 showing how many recipients received the service. What type of service they received, the amount etc.

MR. CLINTON:

2. I have attached two charts reflecting the breakdown of payments made to recipients identified as the District's "working poor" and found eligible for the Complementary Energy Assistance Program

(CEAP) for FY 1982 and FY 1983. Please note, this program began in the second quarter of FY 1982.

Chart I covers monthly payments disbursed for FY 1982 (January to September).

Chart II covers payments disbursed for FY 1983 (October, 1982 through April, 1983).

CEAP payments are disbursed on a monthly basis to defray the monthly utility costs of these residents.

The average monthly utility cost for low-income households in the District of Columbia is approximately $185.00 per month (figures based on Low Income Home Energy Assistance Program (LIHEAP) data). It is anticipated that utility costs for the District will increase by 25 percent next year.

CHART I--FUNDING YEAR 1982 COMPLEMENTARY ENERGY ASSISTANCE PROGRAM

MONTH	CASELOAD EACH PAYROLL	PAYROLL TOTAL	CUMULATIVE TOTALS	
			No. Of Recipients Served	Amount of Payroll
January	945	94,201.42	945	$ 94,201.42
February	1,525	$ 216,252.16*	2,899*	$ 310,453.58
March	1.769	$ 189,576.90	4,668	$ 500,030.48
April	1,913	$ 203,339.22*	6,596*	$ 703,369.70
May	1,981	$ 199,454.18	8,577	$ 902,823.88
June	2,373	$ 236,438.33	10,950	$1,139,262.21
July	2,585	$ 293,647.00*	13,739*	$1,432,909.21
August	2,813	$ 269,352.75	16,552	$1,702,261.96
September	2,443	$ 235,372.46	18,995	$1,937,634.42

* Payroll amount includes retroactive payments to individuals already on cycle.

CHART II—FUNDING YEAR 1983 COMPLEMENTARY ENERGY ASSISTANCE PROGRAM

MONTH	CASELOAD EACH PAYROLL	PAYROLL TOTAL	CUMULATIVE TOTALS	
			No. of Recipients served	Payroll Amount
October	2,696	$ 253,287.86	2,696	$ 253,287.86
November	2,691	$ 250,351.91	5,387	$ 503,639.77
December	2,155	$ 205,909.07	7,542	$ 709,548.84
January	2,168	$ 202,087.53	9,710	$ 911,636.37
February	2,136	$ 200,288.57	11,846	$ 1,111,924.94
March	2,049	$ 181,889.19	13,895	$ 1,293,814.85
April	2,122	$ 183,455.16	16,017	$ 1,477,270.01

D.C. ENERGY OFFICE

SENATOR SPECTER:
1. Have you considered any back up measures if the Federal government continues to reduce funds for various programs?

MR. ROGERS:
1. The Federal funds previously received by the Office of the City Administrator were for the D. C. Energy Office. Council action on the FY 1984 budget resulted in the transfer of the D. C. Energy Office to the Human Support Services Appropriation Title. In FY 1984 the D. C. Energy Office will receive the same level of federal funding as it received in FY 1983, therefore there will not be a reduction in the federal programs administered for FY 1984.

SUBCOMMITTEE RECESS

Senator SPECTER. Again, I express my regret at not being able to finish the hearing this afternoon. But we will pick up at this point at 10 o'clock tomorrow morning.

[Whereupon, at 2:42 p.m., Tuesday, April 26, the subcommittee was recessed, to reconvene at 10:08 a.m., Wednesday, April 27.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1984

WEDNESDAY, APRIL 27, 1983

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommitte met at 10:08 a.m., in room SD-138, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

DISTRICT OF COLUMBIA

COURT SYSTEM

STATEMENT OF CHIEF JUDGE THEODORE R. NEWMAN, JR., COURT OF APPEALS.

ACCOMPANIED BY:
- CHIEF JUDGE CARL MOULTRIE, I, SUPERIOR COURT
- JUDGE GLADYS KESSLER, PRESIDING JUDGE, FAMILY DIVISION, SUPERIOR COURT
- LARRY POLANSKY, EXECUTIVE OFFICER, D.C. COURTS
- HON. STANLEY HARRIS, U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA

CRIMINAL JUSTICE SYSTEM

Senator SPECTER. Good morning, ladies and gentlemen. The hearing will come to order.

Today the Subcommittee on the District of Columbia begins its hearings for the fiscal year 1984 budget estimates of the Nation's capital.

My home city of Philadelphia shares many geographic, demographic, and problematic similarities with Washington. I am familiar with many of the challenges facing our mature urban centers. These challenges are multifaceted and often interrelated, whether it is housing or dealing with the homeless, reducing crime or economic development.

Our focus today will be on the criminal justice system in the District. As a nation, our efforts to control and reduce crime have been inadequate. I have recommended a program to set aside 1 percent of the annual Federal budget toward the reduction of violent crime by increasing Federal prison space, manpower, and by aid to State and local governments. Crime is costing us an astonishing $125 billion annually.

It threatens not only the safety of individuals, but the security of society. If we are not victims we are prisoners of our fear.

It is a pleasure to welcome as our first panel of witnesses today on this topic, Chief Judge Theodore Newman of the Court of Appeals, Chief Judge H. Carl Moultrie, I of the Superior Court, and Mr. Larry Polansky, the executive officer of the court system. Welcome gentlemen.

I note that each of you have some prepared remarks concerning your fiscal year 1984 budget which will be placed into the record and we would be happy to receive your observations on the courts' role and problems in the criminal area.

Judge Newman, we will begin with you.

PREPARED STATEMENT

Judge Newman. Thank you, Senator.

In light of the submission of a prepared statement and since I understand there is a possibility there may be some questions, I will say nothing further but am available for whatever questions the committee may have.

[The statement follows:]

STATEMENT OF CHIEF JUDGE THEODORE R. NEWMAN, JR.

Mr. Chairman and members of the District of Columbia Subcommittee of the Senate Appropriations Committee, it is my privilege to speak to you today on the budget of the District of Columbia Court of Appeals.

The Court of Apeals is requesting a fiscal year 1984 appropriated budget of $3,060,500, which reflects an increase of $235,000 with no new positions over the fiscal year 1983 budget of $2,825,000. The increase in personal services amounts to $132,500, reflecting for the most part an increase in regular pay ($116,400), and the remainder is terminal leave and fringe benefits. The Mayor and the District Council have recommended funding of this portion of the budget.

The 1984 budget also reflects an increase of $102,500 for other than personal services. We have requested, in general, a 10-percent increment for inflation for each of the 2 years since 1982. The Mayor has recommended no increase whatsoever in this area, while the District Council has recommended an increase of $56,100, which generally represents a 1-year inflationary increase since 1982. The difference between the Council's recommendation and the Court of Appeals' request, $46,000, represents inflation occurring during fiscal year 1983. It should be noted that no increase for inflation was sought or approved in the fiscal year 1983 budget. We are currently suffering the effects of this lack of wisdom, in that, for example, our annual telephone budget was exhausted in 6 months, and similar inflationary effects have been felt in supplies and service contracts.

The number of filings remained at a high level during 1982, and, consistent with the immediately preceding 2 years, was significantly higher than dispositions. Thus, cases pending before the Court increased to an all time high of 1,753; the average time for an appeal rose 36 days to 544, despite the fact that the number of dispositions was the highest ever accomplished. Based upon the filings during the first 3 months of 1983, and anticipating a new class of filings for workers' compensation cases as well as increased filings resulting from the use by the Superior Court of Hearing Commissioners, we project a 20- to 25-percent increase in filings during 1983, a most dramatic increase.

Efforts are now focused in the Clerk's Office to expedite cases to oral argument. Various methods are now employed by the Court, including early screening, preargument settlement conferences, the Summary calendar, and restrictions on requests for extensions of time. Retired judges have been employed to relieve the workload of the active judges, and with the increase in support provided by the 1983 budget, they will be capable of providing even further assistance. However, because the judges are now operating at a maximum level, we anticipate that the pending caseload will continue to increase.

We believe our overall request to be most reasonable and strictly in keeping with our priorities and the judicial and fiscal needs of the District. On behalf of the Court of Appeals, I ask that the committee give favorable consideration to our very conservative fiscal year 1984 request.

OPENING REMARKS OF JUDGE MOULTRIE

Senator SPECTER. All right, very good, there may be some questions.

We will turn now to Chief Judge Moultrie. Judge, welcome back again today; thank you for being with us yesterday and today.

Judge MOULTRIE. Thank you, sir. I have submitted to you the prepared statement here. I would just like to point out a couple of things, sir.

You will note in my prepared statement that the Superior Court is asking for $36 million and the District is suggesting $33 million.

We believe that the amount we asked for is necessary to run the Superior Court for the fiscal year 1984, and we hope you will take that into consideration.

I am available, sir, for any questions you have.

PREPARED STATEMENT

Senator SPECTER. Thank you, Judge Moultrie, for those brief remarks. We have your prepared statement and it will be inserted in the record. We also have a prepared statement from Larry Polansky, Executive Officer, District of Columbia Courts, which will be inserted in the record.

[The statement follows:]

STATEMENT OF CHIEF JUDGE H. CARL MOULTRIE I

Mr. Chairman and members of the District of Columbia Subcommittee of the Senate Appropriations Committee, it is my pleasure to speak today on the budget of the Superior Court for Fiscal Year 1984 and to testify for the first time before the new Chairman. I know that Senator Specter's experience as the District Attorney of Philadelphia and his familiarity with the District of Columbia will make my task much easier.

The Superior Court is requesting a total operating budget of $34,568,100 which reflects an increase of $3,626,300 over the Fiscal Year 1983 budget and, if adjusted for the projected 7% cost-of-living adjustment ($1,541,800), would amount to $36,109,900. The City is recommending $33,379,800. This is a difference of nearly $3,000,000! (Please note that the Superior Court request, at the direction of the budget office, did not include the projected cost-of-living adjustment in its submission.)

During the past few years several factors have greatly added to the burden of the Superior Court and the increase in its cost of operation. Some of these factors are:

. pending caseloads which are at an all time high,

. new initiatives (such as the crackdown on crime and repeat offenders) and new laws (such as the Victims of Violent Crime Compensation Act) which place added duties and responsibilities upon the Court,

. increased criminal case activity which results in higher payment totals of the fees which are prescribed by statute (witness and jury fees),

. mandatory pay increases,

. the effects of inflation on the very basic and absolutely necessary costs of doing business,

. the proposed elimination of reimbursements in the federal child support program (Title IV-D) which, by law, must still be performed.

These are just a few of the existing work and financial conditions which point out that, if the Superior Court is realistically expected to perform and keep pace with its work load, the Court must obtain the necessary resources to accomplish what is statutorily required and publicly demanded.

The details of our request are:

Retired Judges' Support Staff (Four Positions) - $110,200

By law, the Chief Judge of the Superior Court may request that retired judges of the Court return to active service. We are indeed fortunate at this time to have several retired judges so serving, each averaging six to ten months each year of assistance to the Court as it confronts a tremendous work load. These faithful, retired judges, however, have inadequate law clerk and secretarial support. In order to derive maximum benefit from bench time and professional services, it is essential that we provide these judges with law clerks and secretarial support for their important and necessary efforts on behalf of the Superior Court and the District of Columbia.

Deputy Director of Personnel (One Position) - $42,800

Public Law 91-358 (Court Reform Act) and D.C. Law 2-139 (Comprehensive Merit Personnel Act) gave the District of Columbia Courts the authority and responsibility to establish and implement a personnel system independent of the systems of the District of Columbia and federal governments. Although the Joint Committee on Judicial Administration has developed independent policies and procedures, implementation has been impaired by the limited size and expertise of the existing personnel staff. A Deputy Director of Personnel at the CS-13 level is needed to assist in designing, monitoring and evaluating the Court's personnel program, to manage employee/employer relations, to provide career counseling and to serve as Equal Employment Officer.

Courtroom Support (Five Positions) - $99,800

It has become impossible to provide all courtrooms with courtroom clerks and bailiffs. As a result, clerical staff has to be frequently detailed to courtroom duty. This practice, of course, causes delays and breakdowns in other areas such as calendaring, recordkeeping and other related functions. Therefore, two courtroom clerks are needed in the criminal division and three clerks are needed in the civil division.

Indictment Clerk, Felony Branch, Criminal Division (One Position) - $21,500

The shortage of staff to process indictments has resulted in the detailing of a motions clerk for this function. This handicaps the motions function and will ultimately impair the functioning of both positions. In calendar year 1981, a total of 4,874 motions and 1,33 oppositions were filed. Consequently, motions are not being processed in a timely manner. This is in addition to the fact that in calendar year 1981, an extraordinary total of indictments were filed against 3,361 defendants. A CS-8 Indictment Clerk position is needed to provide adequate staffing.

Special Proceedings Clerk, Special Proceedings Branch, Criminal Division (One Position) - $20,200

The shortage of clerical staff in the Special Proceedings Branch has resulted in a steady flow of personnel from other offices being shifted in and out in an attempt to keep up with the daily work load. Of course, this occurs at the expense of the proper functioning of those other operations and results in a constant strain on the assigned office staff just in the retraining of personnel in connection with Special Proceedings functions.

In addition to helping maintain the already existing work load, the CS-7 Special Proceedings Clerk requested would also be utilized to process Show Cause Orders and other duties resulting from the implementation of the Victims of Violent Crime Compensation Act of 1981.

Contact Clerk, Special Proceedings Branch, Criminal Division (One Position) - $17,400

At the present time, there are only two Contact Clerks authorized in the Special Proceedings Branch. In order to keep abreast of the work load personnel from other areas are detailed to assist. This detailing of employees from other areas is only a stopgap measure and has resulted in a breakdown of operations in the File Room. A recent survey revealed that the File Room responds to more than 500 inquiries each day. Additionally, the file inventory exceeds 500,000 court jackets. A new

CS-6 Contact Clerk position is necessary to provide minimally adequate staffing.

Interview & Judgment Clerk, Civil Actions Branch, Civil Division (One Position) - $21,200

With the tremendous increase in the volume of new cases filed and the escalation in the amount of activity involved in these cases, the work load in the Judgment Section of the Civil Actions Branch has become overwhelming. The Judgment Section is primarily responsible for assisting pro se litigants, entering default judgments after careful review of the file and issuing all types of writs of execution. The work requires close attention to detail and a working knowledge of civil procedure. The Section has experienced lengthy delays in processing default judgments, preparing matters for the Calendar Control Judge and sending notices. The present staff of three cannot keep up with the continuing increase in activity despite the implementation of measures to streamline operations and the reduction of services to the public and Bar. While the number of default judgments entered in 1981 was substantially the same as 1980, the overall work load continued to increase. The number of writs of execution issued increased by 34.4% in 1981 over 1980, the number of telephone assistances increased by 26.4% and the number of personal assistances increased by 2.5% in 1981 over 1980 and 15% over 1979. To correct this understaffed condition, a CS-7 Interview and Judgment Clerk position is requested.

Docket Clerk, Landlord & Tenant Branch, Civil Division (Two Positions) - $36,400

The Landlord and Tenant Branch is operating under "crisis" conditions. The tremendous increase in the work load has caused backlogs which threaten the effective operation of this Branch and the Landlord and Tenant Court. Although the number of new cases filed has slightly declined, the amount of litigation, i.e., contested issues, filing motions and other papers, has increased substantially. The number of cases reaching the Landlord and Tenant Judge and the Interview and Judgment Officer increased from 26,981 in 1979 to 30,997 in 1981 or 14.9%. The number of motions heard increased from 5,092 in 1979 to 6,099 in 1981 or 19.8%. These increases generate great volumes of paper which must be processed and docketed. The present staff cannot process the work load in a timely fashion. When the work load cannot be processed expeditiously the delays compound the problems in the disposition of Landlord and Tenant cases. The CS-6 Docket Clerk positions will permit this Branch to more adequately cope with its virtually overwhelming work load.

Motions Clerk, Motions Branch, Civil Division (One Position) - $17,400

The Motions Branch of the Civil Division has had a continuing backlog for a substantial period of time. This backlog has impeded the disposition of civil cases and has become a source of major concern to the Court and the Bar. Many steps have been taken to eliminate the backlog and some progress has been made. However, the ever-increasing volume of motion filings and activity has made it impossible to dispose of motions in a timely fashion. The increase in filings has been steady since 1973. The increase of motions filed in 1981 over those filed in 1973 is 257.6%. There was a 26.8% increase in 1981 over 1980. Most importantly, there has been no increase in staff support possible over this period. The addition of a CS-6 Motions Clerk position would assist in addressing the backlog.

Computer Data Entry Clerk, Civil Actions Branch, Civil Division (Two Positions) - $31,200

The Civil Division is currently in the process of developing a computerized management information system. This system will have the capability of doing many things which are not now possible because of the time and manpower required to do them manually. The operation of the system will not eliminate or replace functions which are currently being performed by Civil Division personnel but it will aid in the performance of these functions in a more effective and efficient way and will reduce future personnel needs. It will give the Division more timely, accurate and comprehensive management information as well as perform some operational tasks.

In the Civil Actions Branch there are over 1,500 pieces of information per day which will need to be entered into the computer. This information represents papers and pleadings filed by counsel, orders and judgments filed by the Court, entries recorded on the court file and actions taken by court staff in processing and disposing of civil actions. This information will have to be analyzed thoroughly, identified, categorized and then entered into the computer. In order to handle this volume the Civil Actions Branch will need a minimum of two Computer Data Entry Clerks at the CS-5 level.

Appeals Clerk, Civil Actions Branch, Civil Division (One Position) - $23,300

The increase in the volume of cases in which notices of civil appeal have been filed has caused a tremendous backlog in the preparation of case files for the Court of Appeals. The backlog is directly related to the increased number of appeals and the amount of time necessary to process an appealed case, usually consisting of voluminous files. Frequently, the Court of Appeals calls for a file which has not been processed in a timely fashion because of the backlog. This situation can only be corrected with the addition of a CS-8 Appeals Clerk. The processing of civil appeals requires a person with substantial knowledge of appellate procedures, as well as a proficient knowledge of pleadings. Staffing in this unit has remained the same since court reorganization though the work load has increased more than 74%.

VICTIMS OF VIOLENT CRIME COMPENSATION PROGRAM:

Financial Control Clerk, Criminal Division (One Position) - $18,200

With the implementation of the Victims of Violent Crime Compensation Act of 1981 (effective April 6, 1982), a substantial number of documents are to be generated in connection with the status of payment of costs and their proper recordation. The Criminal Division is unable to absorb these additional duties and responsibilities with its current staff. In order for the Victims of Violent Crime Compensation Act of 1981 to be properly implemented to process work loads in an efficient and expeditious manner, a CS-6 Financial Control Clerk position is necessary. This position will have the responsibility for the daily flow of orders relating to the payment of costs between the Fiscal Office and the Criminal Division (i.e., orders in all cases in which costs have been assessed; orders in which bond has been posted). Also, entries must be made in the appropriate case file and all cognizant agencies must be notified of the status of cases.

Victims' Compensation Clerk, Financial Operations Division (One Position) - $19,200

Effective April 6, 1982, with the implementation of the Victims of Violent Crime Compensation Act of 1981, a substantial amount of statutory responsibility and work load fell upon the Court's Financial Operations Division. In order for these duties and responsibilities to be carried out efficiently and expeditiously it is necessary that a CS-6 Victims' Compensation Clerk position be provided.

CLERK OF COURT:

Deputy Clerk of Court and Secretary (Two Positions) - $83,300

Consistent with D.C. Code 11-1721, the Clerk of the Court has been delegated the responsibility for the management of all non-judicial staff in the Jury Office, Appeals Coordinator's Office, Marriage Bureau, the Attorney Advisors Unit, the Library and the Civil, Criminal, Family, Tax, and Probate Divisions. These operational units provide the principal support to the Judiciary on a day-to-day basis and maintain official dockets and records of Court proceedings. The present staff of the Office of the Clerk of the Court consists of the Clerk and his administrative assistant. The lack of sufficient staff in the Office of the Clerk inhibits optimal coordination, auditing, monitoring and review of the current procedures as well as the maximum implementation of innovations in management and operations. Additionally, the Court has embarked on the development of essential operations guidelines for consistency in uniformity and continuity of operations and performance. Accordingly, the creation of the position of Deputy Clerk of the Court (CS-15) is of utmost significance for the strengthening of Court management. It is a much warranted link in the Court's continuous effort to minimize case delay, improve jury management, provide leadership and guidance to Court personnel, and coordinate staff development.

The position of Secretary (CS-8) to the Clerk of the Court will provide the necessary secretarial support for coverage of this most important office.

Appeals Clerk, Appeals Coordinator (One Position) - $23,300

A staff of three in the Appeals Coordinator's office coordinates Civil, Criminal, Juvenile, Family, Tax, and Probate appeals to the D.C. Court of Appeals. This Appeals Office is responsible for informing appellate attorneys of appeal procedures, keeping Superior Court Judges informed of pertinent appeal rulings and preparing and transmitting records to the D.C. Court of Appeals. While the composition of this staff has remained constant since court reorganization, the number of cases appealed (especially civil matters which have increased by 74%), has steadily mounted. To be able to provide the necessary information and to stay current with the increasing work load, a CS-8 Appeals Clerk position is required.

RESEARCH, EVALUATION & SPECIAL PROJECTS:

Statistical Analyst, Research, Evaluation & Special Projects Division (One Position) - $30,400

This Division works closely with the Data Processing Division in developing new statistical tables, improving old tables and in planning and developing research projects for the Court. Present staffing precludes the type of close coordination and interaction needed between the two divisions. Currently, one division conceptualizes statistical and research needs and the other develops the required data processing programs. It is anticipated that there will be increasing interaction between the two divisions in the coming years, especially since the Court is expanding its overall data processing capability and efforts are being made to improve the quality and expand the type of data collected for use by court managers. The research capability of the Court will be expanded with the development and implementation of research projects to meet the needs of court officials. It is important that the Court bridge the gap between research requirements and their data processing solutions. It is requested that a CS-11 Statistical Analyst position be approved for this purpose.

SOCIAL SERVICES DIVISION:

Community Workers, Social Services Division (Two Positions) - $48,500

A minimum of two additional Community Worker (CS-9) positions are necessary to bring the work unit average down to a workable level. The current (1982) work unit average is 129 which is 29 above the full work load standard. There has been considerable interest and need on the part of the judiciary to utilize community service as a condition of probation, but the Division cannot respond unless additional positions are provided. The availability of two additional positions would allow more serious offenders to take part in community service programs, which would then be an element of their probation supervision rather than an alternative to probation supervision. The program has had repeated requests to provide community service for the more serious type of offender which can only be provided with the additional manpower requested.

Probation Clerks, Social Services Division (Three Positions) - $52,300

The dramatically increasing work load in the adult services activities of the Social Services Division along with the installation of the Juvenile Information System (JISRA) have placed a heavy burden on the Control Center operation. Full implementation of the computer system will result in the addition of 2,000 documents and 500 client related data entries per month. Without the three additional probation clerk (CS-5) positions, it is inevitable that a backlog of cases to be processed will occur resulting in a slowdown of the total control operation process. In addition, the probation clerks are responsible for the typing and clerical functions created by 5,000 active cases and for servicing these clients by telephone answering and receptionist duties. Without the additional staffing either system plans will have to be curtailed or a mounting backlog of cases to be processed will have to be accepted.

TITLE IV-D PROGRAM:

Current Title IV-D Program, $215,800

In 1975, Public Law 93-647, amended the Social Security Act and established a program known as "Title IV-D." The statute requires the Superior Court to perform certain additional support functions dealing with child support payments for which the Court was to be partially reimbursed based on prescribed standards for allowable reimbursements. The Court has been notified that it is very likely that reimbursements in the Court will be discontinued in the very near future while the duties prescribed by the statute will remain. We are not requesting the establishment of ten new positions. We will be able to utilize existing position authority to continue to perform the duties associated with this program but must be provided with the funding for these slots which have been funded through the reimbursement program heretofore.

Expanded Title IV-D Program (Four Positions) - $113,200

With a 17% increase in new paternity and support cases filed since 1981, a 106% increase in the number of cases (both new filings and enforcement proceedings) calendared in the most recent twelve months, and a 300% increase in the number of enforcement proceedings which involve the issuance of writs of attachment without hearing, the present staff cannot possibly process its work on a current basis. Further, it is our understanding that the City is sponsoring an even more extensive effort in this area. The current effort already represents a work load increase of 79% over the past year. Three CS-6 Docket Clerk positions are needed to handle this work load increase along with one CS-15 Hearing Examiner. The Hearing Examiner position is absolutely essential if the Court is to be expected to be able to process cases in a timely fashion.

Witness Fees and Entitlements - $201,800

Actual Fiscal Year 1982 witness fees and related expenses amounted to $1,086,200. With added emphasis on addressing the City's criminal concerns it is conservatively estimated that witness costs will rise in Fiscal Year 1984 to a total of $1,362,800 — $201,800 above the current budget base available for this purpose.

Juror Fees and Entitlements - $711,500

A 34% increase ($711,500) in juror fees and entitlements between Fiscal Years 1982 and 1984 will be required for the following purposes:

> Basic Juror Fees and Entitlements, $633,800: In Fiscal Year 1982 juror fees and mileage costs amounted to $2,054,000 and sequestered jury expenses $57,300. As a result of the District of Columbia's intensified attention to the City's crime problems, an even more dramatic increase in the number of criminal cases brought before the Court is expected in Fiscal Year 1983. We conservatively estimate that the cost for jurors will amount to $2,554,500 in Fiscal Year 1984.
>
> Sequestered jury expense should only be influenced by a projected annual 10% inflationary factor which would bring these costs to $69,300 in Fiscal Year 1984.

Fiscal Year 1983 - 7% Pay Increase - $261,500

In order to provide for the unfunded portion of the October 1982 pay increase in the base for Fiscal Year 1984, $261,500 is requested. If the full mandated salary increase is not funded, the Superior Court will have to eliminate at least 11 staff members during a period of ever-mounting and record high pending case loads. We are already experiencing accelerated criminal case filings resulting from the intensified city-wide crackdown on criminals. Cutbacks on the staffing level of the Superior Court under these conditions would dramatically and adversely affect the criminal justice and public safety systems of this community.

Within-grades - $369,400

Within-grade increases are required by law to be given to all eligible employees.

Reallocations - $421,700

In order to comply with Title 11, Section 1726 of the D.C. Code, a number of positions must be reclassified at higher levels in order to make them comparable to analogous positions in the District of Columbia and federal governments.

Overtime Pay - $78,800

Several statutes and Superior Court Rules require that certain operations of the Court conduct business on weekday evenings and Saturdays as a convenience to the public. "Flex" time cannot be used to schedule personnel to cover these situations on a regular basis as previous position reductions and vacancies created by already inadequate funding have left existing staffs at minimal levels. Therefore, overtime shifts offer the only practical solution.

Increases Necessary to Provide for Inflationary Costs on Items Other Than Payroll in Nature - $286,500

Telephone Service - $104,500: The Department of General Services of the District of Columbia informed the Court that, effective mid-Fiscal Year 1983, there will be a considerable rate increase for telephone service along with a substantial increase in the cost of telephone extensions. It is, therefore, necessary to assume that the same level of telephone service in Fiscal Year 1984 will cost the Court 20% more ($104,500) than is currently provided in its budget base.

Supplies and Materials - $67,500: Funding is needed at a level sufficient to meet the 12% per year projected increase in the cost of supplies due to inflation during Fiscal Years 1983 and 1984.

Printing and Reproduction - $611,600: To counteract the effect of a projected 8% per year inflation rate on the cost of printed material over the two-year period of Fiscal Years 1983 and 1984, $61,600 is requested.

Postage - $9,000: The Court's budget base for postage is $80,000, which provided for postage costs when the basic postal rate was $.15. By Fiscal Year 1984, with the basic postal rate at a minimum of $.20, the Court will need an increase of $9,000.

Service Maintenance Contracts and Repairs - $43,900: The actual cost of machinery maintenance and repairs amounted to $209,453 in Fiscal Year 1982. Anticipating a 10% per year inflation rate increase in Fiscal Year 1983 ($20,900) and Fiscal Year 1984 ($23,000), an additional $43,900 will be necessary in Fiscal Year 1984.

Equipment and Furniture Replacement and Rehabilitation - $80,000

The division heads of the Superior Court have identified various pieces of furniture and equipment that will need replacement or rehabilitation during Fiscal Year 1984. The anticipated cost is $80,000 over and above the level of minimal funding available in the Court's budget base for such purposes. By Fiscal Year 1984, much of the heavily used equipment which was purchased to implement the Court Reorganization Statute will have been in service at least 10 years (and probably much longer) and will be in dire need of replacement. It is estimated that $60,000 is needed for equipment replacement and $20,000 to rehabilitate current items which could provide added years of service to the Court if they were refurbished.

Computer Hardware and Software, Data Processing Division - $90,000

$65,000 for computer hardware is requested to permit the Court to acquire tele-communications equipment - computer terminals, computer printers, communication controllers and terminal adapters. Only with this "on-line" equipment can the Court expand, with new and improved data processing applications, its use of the computer's capacity and capabilities to more efficiently and effectively serve the Court and the citizens of the District of Columbia.

An additional $25,000 is needed for computer software which would be specialized "Application Development Software," compatible with IDMS, our modern data base management system, and with our hardware system.

Local Travel, Mental Retardation Volunteers - $23,900

In June 1980, the D.C. Mental Retardation Volunteer Advocates Association was organized to comply with D.C. Public Law 2-137. The statute requires the Court to provide volunteer advocates for each petition filed on behalf of a mentally retarded citizen of the District of Columbia. To stimulate volunteerism and to off-set the onerous out-of-pocket costs imposed upon these volunteers, $23,900 is requested to provide for the transportation costs associated with the volunteers' services.

Screening and Diversion Program, Social Services Division - $20,600

In Fiscal Year 1982, after several successful years as a grant funded operation, the Screening and Diversion Program received appropriated funding in the amount of $213,400. Of this amount, $200,700 was to be available annually for contractual services. This is to request funding for the projected increase in the cost of contractual services due to inflation ($20,600) - a modest 5% increase per year rise for Fiscal Years 1983 and 1984.

Training - $25,000

The Court is requesting $25,000 to fund job related training opportunities for its 916 Judicial and non-judicial employees. This comes to $27.29 per employee per year, a very small amount to invest in the Court's primary asset - its staff. The money will be spent to purchase video tapes, provide on-site instructors for selected courses and as tuition support for technical training courses. In addition, a three-day institute will be held to address substantive legal and administrative issues such as sentencing disparity, recent statutory changes and administrative procedural changes made to speed up caseflow management.

Open Shelf Filing System - $5,000

The present Social Services Division files contain approximately 50,000 individual probation cases. With the implementation of new programs, additional filing space is needed and with the additional open shelf filing system, a more orderly filing system will be maintained.

Interpreter Services - $5,000

There have been an increasing number of instances where judges find themselves in a position where, in order to conduct proceedings in the courtroom, they require the services of an interpreter. In addition to foreign language interpreters, the primary need is for interpreters for the deaf. With an annual estimated need for such services for approximately 50 of these cases each year at an average cost of $100, $5,000 for interpreter services is needed. Attempts to obtain these services on a volunteer basis have met with little success.

I am not insensitive to the significant financial problems faced by the City, but I must remind one and all that, in difficult times, the greatest pressures are thrust upon the justice system. Without adequate support for that system, chaos will, inevitably, result.

In closing, I wish to thank the members of the Subcommittee for the kind consideration shown me in the past and sincerely hope that you and the new Chairman will look favorably upon my request for this year.

Senator Specter and members of the Subcommittee, I stand ready to respond to any questions you might have.

STATEMENT OF LARRY P. POLANSKY

Mr. Chairman and members of the District of Columbia Subcommittee of the Senate Appropriations Committee, I thank you for the opportunity to speak today to the budget of the District of Columbia Court System and wish to add my personal welcome to the new Chairman with whom I had many pleasant contacts when he was the District Attorney in Philadelphia.

Senator Specter and members of the Committee, the Court System is requesting a Fiscal Year 1984 operating budget of $8,548,100, an increase of $2,179,900 over Fiscal Year 1983. Just under 90% of the increase requested, ($1,945,900) and four of the eight positions are requested for the Criminal Justice Act Program which provides for the defense of indigent adults and juveniles in criminal matters. These funds are absolutely essential in order for the Court to meet the minimum standards of the Act. (Only $1,463,700 was recommended by the City.)

The remaining $234,000 of our request (10.7%) is for the operation of the Court System and is needed to provide for:

- the balance of the October 1982 - 7% pay increase
- within-grade increases
- supplies & printing
- membership charges
- three court reporter positions
- one position to perform security and custodial liaison duties in the main Courthouse.

Please note that only the within grades ($36,300 of the $234,000 requested for other than CJA needs) was included in the Mayor's recommendation.

To add insult to injury, the final recommendation of the City Council and the Mayor, which is before you now as the Mayor's recommendation, reduced our budget base for salary by some $96,000. In effect, therefore, the Mayor and City Council are recommending the reduction of the Court's portion of the budget by $60,000. It should also be noted that, at the Budget Office's request, we did not ask for the funds for the projected Fiscal Year 1984 pay increase. Appropriation for this purpose will be sought in the Fiscal Year 1984 supplement after exact cost estimates can be developed.

The District of Columbia Courts have also submitted requests amounting to $3,663,800 to provide for six capital projects.

In detail, our requests are for:

Fiscal Year 1983 - 7% Pay Increase - $64,600

In order to provide for the unfunded portion of the 7% Fiscal Year 1983 pay increase in Fiscal Year 1984, $64,600 is necessary. If the mandated salary increase is not funded, an already dangerously understaffed court support organization, consisting principally of court reporters, shall have to be even further reduced. This would result in a reduction to an already critically short but vital work force.

Within-Grades - $36,300

This funding request is necessary to offset within-grade advancements which are required by law to be given to all eligible employees.

Appointment of and Claim Processing for Indigent Criminal Defense (Four Positions) - $98,800

Fees Examiner and File Clerk, Criminal Justice Act Finance Unit (Two Positions) - $34,800: The Criminal Justice Act Finance Unit has been staffed with five employees (four fees examiners and a unit chief) since it was established in Fiscal Year 1975. The number of vouchers processed through this unit has steadily increased during each of its years of operation (for example, 17,600 in Fiscal Year 1978, 19,300 in Fiscal Year 1980, and 22,500 in Fiscal Year 1982) to the point that we are now no longer able to keep pace with the work load. We project that during Fiscal Year 1984, 25,200 claims will be submitted to the unit for examination and payment. In order to continue to properly process, examine, and control the flow of vouchers, it is absolutely necessary for us to have a fifth Fees Examiner (CS-7) and a File Clerk (CS-4). This will permit our examiners to devote the time and attention necessary for the adequate and thorough examination of over $5,000,000 of claims.

Title 11-2601 of the D.C. Code authorizes the Joint Committee on Judicial Administration to prescribe a plan for furnishing representation of indigents in criminal cases. The plan, designed to relieve judges of the conflict inherent in the CJA appointment process, as approved by the Joint Committee on Judicial Administration, calls for the establishment of the Criminal Defense Assignment Unit.

After thorough review and analysis on the part of the Courts and Bar, the Superior Court Board of Judges has determined that a defense attorney certification and appointment process, separated from the judiciary, is required. It is recommended that a Director and a staff assistant be provided to administer the multi-million dollar criminal defense program which directly impacts on the quality of justice in the District of Columbia Courts.

Director, Criminal Defense Assignment Unit (One Position) - $42,800: The Director must assume responsibility for the overall management of the Criminal Defense Assignment Unit, including the operation of an effective assignment system for adequate legal representation of indigent defendants, the administrative oversight of the attorney qualification and case assignment processes, and coordination of this program with the Public Defender Service, attorneys from the private sector, judges and several divisions within the Courts. Given the scope of management and other duties to be fulfilled, this position requires funding at the CS-13 level.

Staff Assistant, Criminal Defense Assignment Unit (One Position) - $21,200: In order to enable the Director of the Criminal Defense Assignment Unit to effectively carry out a broad range of program responsibilities, skilled support staff is essential.

Due to the high volume of detailed work and the fact that the accuracy of unit information impacts the 800 plus attorneys presently on the master assignment list, a staff assistant capable of participating directly in the work of the unit is needed. The level of training and experience required calls for expertise at the CS-7 level.

Criminal Justice Act Program Fees - $1,847,100

Beginning with Fiscal Year 1980, the Criminal Justice Act program has operated on a cash basis. Actual annual payments during Fiscal Year 1978, 1979 and 1980 averaged approximately $3,500,000. Payment levels for Fiscal Years 1981 and 1982 were $4,188,500 and $4,980,000 respectively. During these two most recent fiscal years, additional funds were obtained through supplemental appropriations. We anticipate that this dramatic escalation of program payments will continue through Fiscal Years 1983 and 1984. With the base level of funding for the program in Fiscal Year 1983 set at $4,150,300, an increase of $1,847,100 is needed to meet the $5,997,400 in claims expected to be processed for payment in Fiscal Year 1984. These are not discretionary or controllable costs since representation of indigent defendants is constitutionally mandated and criminal courts, both adult and juvenile, cannot operate without these attorneys. The continued increase in felony and misdemeanor cases, the District's intensified attention to the crime problems, and the priority of keeping the community safe from crime necessitate additional funding for this program. Please note that this request does not include a proposal for an increase in the CJA attorneys' hourly rate of compensation - presently $30 per hour "In-Court" and $20 per hour "Out-of-Court" - which has not been adjusted since the inception of the program in 1972. This is because of the statutory limitation and the obvious financial limitations of the District's Fiscal Year 1984 budget.

Supplies and Materials - $3,800

This is to request funding for the anticipated increase in the cost of supplies due to inflation. There was a 12% inflationary rise in costs in Fiscal Year 1982 (and similar cost rises are anticipated for 1983 and 1984). Please note that spiralling costs have not been addressed in the Courts' budgets for many years and the situation is now beyond our ability to "cope."

Printing and Reproduction - $3,900

To provide for the anticipated effect of an 8% per year inflation rate on the cost of printed material over the three year period, from 1982 to 1984, $3,900 is requested. Over 95% of the D.C. Court System's annual printing costs is for the publication of the District of Columbia Courts' Annual Report and the printing of the appointment and claim forms which are both basic to the operation of the Criminal Justice Act program and required by statute.

National Center for State Courts (NCSC) Membership Charge Increase - $4,200

Membership in the NCSC provides the Courts with research and information services, a variety of publications and library services unavailable from any other source. The Center conducts research projects on courts and court related subjects, serves as a valuable technical assistance resource and is a clearinghouse for the exchange of information dealing with court administration, practices and procedures. In Fiscal Year 1982, appropriated funding was provided for NCSC membership. The 1984 assessment for the District of Columbia Courts is $4,200 above the current funding level.

Court Reporters, Court Reporters Division (Three Positions) - $105,600

During 1982, the Congress, the City and the Courts expressed their concern over severe Superior Court case load backlogs and endorsed a stepped-up criminal prosecution effort. To be able to cope with the expanding work load, three Hearing Commissioner Positions were approved in the Fiscal Year 1983 budget, thereby releasing two to three judges for daily courtroom activity. There already is a, marginal, 38 reporter staff (to support 50 active and senior judges). Three additional court reporters are vitally needed just to provide bare minimum coverage of current trial activity.

Security and Custodial Liaison (One Position) - $15,600

The District of Columbia Courts have no staff assigned in the Courthouse during the evening hours when custodial tasks are performed and the safeguarding of the building and equipment is most critical. There are many instances of energy being wasted due to lights and office machines left on and heating and cooling systems improperly set. Most importantly, we have experienced significant equipment losses through theft. It is critical that roving surveillance, on a predetermined schedule, be performed in order to maximize security in the building and to provide timely evaluation of the quality and quantity of custodial services performed for the City by an outside contractor. We will be able to conserve energy, effect cost savings, maximize Courthouse security "after hours" and improve the quality of custodial work performed in the D.C. Courthouse through the CS-5 position requested.

Capital Projects - $3,663,800

In addition to the operating budget request, the District of Columbia Courts have submitted a request for necessary capital improvements.

Briefly, $1,116,000 is essential to convert conventional office space to secure chambers for nine new appellate judicial positions and their staffs and $1,835,400 is required to convert office space to courtrooms and judicial chambers for seven new trial judge positions. It is our belief that the necessary enabling legislation will be in place prior to the start of Fiscal Year 1984.

It should be noted, however, that the Mayor has not recommended funding in Fiscal Year 1984 for these projects, but that the Mayor supports funding for both projects in Fiscal Year 1985. We would suggest approval now, conditioned upon the legislative authorization for the additional judges being approved by the Congress before any contract is let.

Further, $56,200 is sought to improve the air conditioning/ventilation system for the District of Columbia Courts' training room; $525,000 is needed to provide appropriate landscaping around the four buildings occupied by the District of Columbia Courts in the area known as Judiciary Square; $100,000 is requested to convert elevator operating devices to meet specifications established for handicap usage; and $31,200 is planned for the installation of outdoor directories in the

Judiciary Square area. The Office of Planning and Development (OPD) has concluded that these last four projects do not qualify as capital projects. We would argue that they fulfill the requirements for a capital program, as set forth by OPD and the Mayor in the attached administrative guidelines, and, therefore, ask that they be judged on their merits.

On behalf of the Joint Committee on Judicial Administration, I want to thank you for your consideration of our problems and requests and ask that you look favorably upon this years submission.

ATTACHMENT I

CAPITAL IMPROVEMENTS PROJECT DEFINITION

Section 1-203 of the D.C. Code defines the term capital project as ". . . (a) any physical public betterment or improvement and any preliminary studies and surveys relative thereto; (b) the acquisition of property of a permanent nature; or (c) the purchase of equipment for any public betterment or improvement when first erected or acquired."

The D.C. Controller's instructions for the Annual Financial Closing define "betterments" as "projects/expenditures which add to the future benefit" of the facility, by accomplishing one or more of the following:

1. increase the physical dimensions of the facility
2. increase the productive capacity of the facility
3. increase the life of the facility
4. increase revenues derived from the facility
5. reduce operating costs of the facility

The Capital Improvements Program instructions in use by the District government for a number of years list the following categories of projects as eligible for capital financing:

- construction or acquisition of a facility
- large-scale replacement and rehabilitation of existing facilities
- preliminary study or design work relating to an individual capital project
- land purchased for building sites, recreation, rights-of-way, and other public purposes
- replacement or rehabilitation of major mechanical systems or structural components of existing facilities
- alteration of an existing facility to make it more functional for a new use
- equipment associated with construction or major modernization of a facility

Capital improvement projects should have a useful life of at least ten years.

DISTRICT'S RECOMMENDATION OF COURT'S BUDGET

Senator SPECTER. In arriving at the District's recommendation of $33 million, would you describe for me, Judge Moultrie, the procedures that the District goes through to make their determination of $33 million?

Judge MOULTRIE. I think what they do, sir, is first the Mayor makes a suggestion to the District Council after having consulted with his budget experts, and then the Council will call in the chief judges of the various courts and we will present our budget. They in turn, arbitrarily. decide what we will get.That has been the system, I believe.

No matter what the District decides, because of the law the District must submit to you our budget as we submitted it. However, the District does have the authority to make recommendations concerning our budget.

Senator SPECTER. In submitting a budget which is $3 million less than you had requested, did the District delete any specific items from your budget?

POSITIONS REQUESTED BY COURTS

Judge MOULTRIE. Yes, sir. We asked for 35 positions which we believe are necessary as supporting positions, and the District is recommending 8 of those 35.

Senator SPECTER. And what do those 35 positions consist of?

Judge MOULTRIE. Well, sir, they consist of a deputy director of the personnel department, two persons needed for support of the violent crime compensation effort; we are asking for five courtroom support staff; we are asking for two secretaries and two law clerks to retired judges; and we are asking for a secretary to the Clerk of the Court; and we are asking for five Social Service Division positions, and four positions to expand the title IV program, which makes a total of 35.

The District recommends that we get two positions for the support of the violent crime compensation effort and three file clerks and three of the Social Service Division's positions, and no other.

ADDITIONAL JUDGE POSITIONS

Senator SPECTER. None of the positions that you have described are judicial positions.

Judge MOULTRIE. I didn't hear you, sir.

Senator SPECTER. None of them are judgeships.

Judge MOULTRIE. No, sir.

Senator SPECTER. You had commented yesterday that you felt that you needed seven additional judgeships.

Judge MOULTRIE. Yes, sir. Our figure of seven—we are trying to be realistic and sensitive to the total financial picture of the District. It is true that we have made an exhaustive study, sir, and we can furnish you with a detailed study of the need for judges in the District, including both the Court of Appeals and the Superior Court.

It is known and has been proven that we need more than seven—we need about 12 judges. But realistically, because of the amount of money involved, we are asking for seven judges.

Senator SPECTER. It would be useful if, for just a few moments, we reviewed the judicial system in the District. As I understand it, the Superior Court is the trial court, and the Court of Appeals is, as it says, the appellate unit, which would correspond, say, to a State supreme court.

Judge NEWMAN. That is correct, Mr. Chairman. I am the Sam Roberts of the District of Columbia.

CURRENT NUMBER OF SUPERIOR COURT JUDGES

Senator SPECTER. Very good, very good indeed. And on the Superior Court, which is the trial unit, you have how many judges again?

Judge MOULTRIE. Forty-four.

Senator SPECTER. Forty-four judges.

Judge MOULTRIE. Mr. Chairman, you might be interested in knowing that in 1970, when the court was reorganized, the Senate made a study, and the Senate recommended that we start with 51 Superior Court judges; there was a compromise made with the House and we were given 44. Now, if we needed 51 judges in 1970, you know that we need more than that number today.

CURRENT NUMBER OF APPEALS COURT JUDGES

Senator SPECTER. And how many judges are on the Court of Appeals, Judge Newman?

Judge NEWMAN. Nine.

Senator SPECTER. And the Superior Court handles all of the civil and criminal work in the District of Columbia?

Judge MOULTRIE. That is correct, sir.

BACKLOG OF COURT OF APPEALS

Senator SPECTER. What is the backlog at the present time, Judge Newman, in the Court of Appeals?

Judge NEWMAN. It's approximately 1,800 cases, which is more than we have ever disposed of in 1 year. Realistically, at least numerically, if there were no filings for 1 year, we would not be able to even reduce the backlog in that 1-year period and certainly could not eliminate the full backlog in that 1-year period.

TIME FROM FILING TO DISPOSITION

Senator SPECTER. What is the average time from filing of an appeal until the disposition of the case?

Judge NEWMAN. In 1982, it was 544 days, which was up 36 days from 1981.

Senator SPECTER. 544 days is the average?

Judge NEWMAN. That's correct.

Senator SPECTER. And what is the longest time from filing to disposition of the cases decided in 1982?

Judge NEWMAN. I don't know, Mr. Chairman, but I can get that information and give it to you.

NUMBER OF OPINIONS WRITTEN AND CASES DECIDED

Senator SPECTER. How many opinions were written—how many cases were decided in 1982?

Judge NEWMAN. In 1982 we disposed of, by published opinion, 305 cases; by unpublished memorandum opinion and judgment orders, 507 cases, for a total of 812 cases by published and unpublished opinion. We disposed of, in addition, by judgment, 69 cases, and by order, 165 cases, for a total termination of roughly 1,600 cases.

Senator SPECTER. When you say by judgment and order, you simply mean without opinion or without any statement, affirmed on the——

Judge NEWMAN. They are generally one-judge orders. The cases that are disposed of by a division of the court come within the category of unpublished MOJ's or published opinions that totals 812.

Senator SPECTER. Do you sit in panels of three judges?

Judge NEWMAN. Yes, we do, and that is one of our major defects, in my judgment.

Senator SPECTER. How would you like to do it, sit en banc?

Judge NEWMAN. That is correct. And the Douglas committee that studied the workload and functioning of the court recommended, consistent with the ABA standards on court organization, that this jurisdiction should have, as most jurisdictions now have, an intermediate court of appeals so that the highest court of the jurisdiction could always sit en banc.

Senator SPECTER. Has there been any proposal for an intermediate appellate court?

Judge NEWMAN. Other than the Douglas committee report, no. Mr. Chairman, until now at least, given the financial situation in the District, I saw little likelihood of success in making such a proposal legislatively, and thus have not done so as of this time.

It is, in my judgment, however, one that should be pursued.

Senator SPECTER. What is the average time for disposition in other supreme courts, or in analogous State supreme courts, Judge Newman?

Judge NEWMAN. It varies all over the lot, Mr. Chairman.

Senator SPECTER. It sounds to me like 544 days is a very long time from filing until disposition on the average.

ABA STANDARDS

Judge NEWMAN. The ABA standard is 60 days from argument. There are jurisdictions that have longer periods of time on the average; there are jurisdictions that have shorter periods of time on the average.

Senator SPECTER. Mr. Polansky, do you have any feel for the statistics of dispositions in other courts?

Mr. POLANSKY. I don't have them handy, but I do know that they are substantially lower, particularly in the criminal area, than they are in the District of Columbia. I have a chart which does represent the ABA standard which you might want to see. It's right here to my left.

Senator SPECTER. Please do, Mr. Polansky.

Mr. POLANSKY. I think this very graphically shows the distinction.

The latest published ABA criminal standards run from 130 to 190 days from filing to disposition, and that is a national standard. The ABA also publishes a separate standard for civil cases of 150 to 210 days on appeal.

What we have done on the chart is to place above that the actual chart of the times for the D.C. Court of Appeals, starting back in 1974, the first year that we had reliable information, until 1982. The time has risen from just over 300 days, which was already far beyond the standard, to where it is today, approximately 544 days—the time goes straight up.

Senator SPECTER. What comments do you have, Judge Newman, from the District of Columbia bar on these lengthy delays? Is your bar up in arms?

IMPROVING COURT PROCEDURES

Judge NEWMAN. It is predictable and critical.

Senator SPECTER. But nothing has been done about it.

Judge NEWMAN. No; well, that's not an accurate statement. We have done everything we can, internally, to streamline, to shorten, by various administrative techniques, various judicial techniques; we have divided our calendar into two segments, one our regular calendar, the other our summary calendar. We tried to put those cases that solely involve error review on our summary calendar, and generally those are the cases that are disposed of by unpublished opinion.

Our regular calendar seeks to identify those cases that invoke our jurisprudential function, our lawmaking function, and treats them on a slower track.

Senator SPECTER. You say your lawmaking function?

Judge NEWMAN. Yes; I have no doubt that judges make law as do legislators. It's inevitable.

Senator SPECTER. We never hear that at confirmation hearings. [Laughter.]

Judge NEWMAN. If it had been asked at mine, I would have honestly answered as I do now. You make law by just refusing to decide something sometimes.

Senator SPECTER. We may have that opportunity, Judge Newman.

Judge NEWMAN. In addition, we have invoked a practice of preargument settlement conferences in our civil calendar. We have, as a result of a new position in our last or second-last budget cycle, obtained a staff attorney who helps to screen the calendar for consolidation of the assignment, to the same panel, of like issues, the various administrative techniques that have been used around the country.

I have just recently had the pleasure of having served for 1 year as president of the National Center for State Courts, and thus had an opportunity to learn what was going on in the appellate courts around the country. And most of the things that have been tried successfully around the country, we have implemented in our court.

One thing that 6½ years of presiding over this court has convinced me of, however, is that there is no magic wand.

Senator SPECTER. Well, Mr. Polansky, you serve as executive officer of the D.C. courts, which covers the Court of Appeals as well as the Superior Court?

Mr. POLANSKY. That is right, Senator.

COMPARISON WITH OTHER JURISDICTIONS

Senator SPECTER. Would you undertake to provide the subcommittee the statistics on other comparable appellate courts which would be State supreme courts or perhaps State superior courts, intermediate appellate courts?

Mr. POLANSKY. Senator, we have with us an extensive report done by the Douglas committee, which compares the District of Columbia to those States which do not have intermediate appellate bodies; it also does some analysis of those States which do have intermediate appellate bodies.

Senator SPECTER. Do you know the results? What is the time lag?

Mr. POLANSKY. I have a copy of the report with me, but I do not have it in my hands; there is a copy back here, and I would have to search through it. But I would make that available and bring it up to date for you as well.

Senator SPECTER. Well, take a look at it and perhaps, while we are having the hearings, we will come back to this, because I would like to see what the comparison is with other comparable jurisdictions.

MAKEUP OF SUPERIOR COURT

Let's proceed in the interim to the situation on the Superior Court, Judge Moultrie.

You have a civil division and a criminal division?

Judge MOULTRIE. Yes; we do have.

Senator SPECTER. And a family division?

Judge MOULTRIE. Yes, sir.

Senator SPECTER. Any other divisions?

Judge MOULTRIE. Probate and tax.

Senator SPECTER. So you have five divisions?

Judge MOULTRIE. Five divisions, yes.

Senator SPECTER. Are your 44 judges divided among those various divisions?

Judge MOULTRIE. Yes.

Senator SPECTER. So they sit permanently in one division or another?

Judge MOULTRIE. No, sir, we rotate; we have a rotating system.

BACKLOG OF CASES

Senator SPECTER. And what is your backlog? How many cases do you have presently pending in those various divisions?

Judge MOULTRIE. Mr. Polansky can give you those figures.

Mr. POLANSKY. The pending backlog, overall, in the Superior Court is just over 38,000 cases and I would call it inventory, being a court administrator, because there are always going to be some cases pending. There were 38,000 cases pending overall at the end of 1982 in the Superior Court.

These cases break down to 7,000 criminal cases; 13,000 to 14,000 civil cases—one must be careful with that number because it also includes small claims and landlord and tenant actions; the real civil case inventory is 6,700-plus; a substantial number, incidentally, because those are all at-issue cases. There are 10,800 Family Division cases, predominantly domestic relations cases. As Judge Kessler indicated in her testimony yesterday, we are able to keep up fairly well with juvenile cases only because we are not paying as much attention as we really should to the rest of the Family Division load.

Senator SPECTER. What is the time lapse, Mr. Polansky, if you know, between the filing of a civil action and the time trial by jury is demanded?

Judge MOULTRIE. Sir, we have a chart I'd like to show you on that, on all the divisions.

Senator SPECTER. Fine.

COMPARATIVE STATISTICS ON DISPOSITION OF CASES

Mr. POLANSKY. Senator, the chart that I have carries us through late 1982—I think Chief Judge Moultrie, after I'm done, will give you the very latest figures, but I would like to give you the comparative figures.

What we have done on the first part of the chart is to show the ideal number of days in the various sections of the court. The ideal for felony cases, in Judge Moultrie's opinion, would be 80 days from arrest to disposition; and for a misdemeanor, 60 days; a juvenile case, 30 days; a domestic relations case, 60 days; a civil I case, a major civil trial case, 11 months; and a civil II action, other than the most major, 6 months.

We had an independent study by a consulting organization headed by Dean Ernest Friesen back in 1979 through 1980. The report indicated what the study group thought the proper time would be. We have shown these times graphically; they are slightly higher in most cases than Judge Moultrie's averages.

And then the study group did an actual analysis of where we stood——

Senator SPECTER. How do you account for the differences between Judge Moultrie and Mr. Friesen? Do they not vary significantly, or do they? The yellow lines are higher on civil I?

Mr. POLANSKY. The yellow ones are higher, they are Dean Friesen's goals. I would say that Judge Moultrie was being an idealist and that Ernie Friesen was being a realist in saying that the best that you could conceivably put together would be these levels. For example, this bar represents 6 months. Dean Friesen was saying that all of our civil II matters should be done in 1 year.

Senator SPECTER. What is the difference between a civil I and a civil II matter?

Mr. POLANSKY. You may recall from Philadelphia, they had a major civil case program in which the dollar value was extensive or where the issues of the case were of a very difficult and complex nature. It is the same with the District of Columbia—significant dollars, and/or civil I cases deal with very complex matters.

These cases are screened by a judge who determines whether they fall into that category.

Senator SPECTER. Judge Moultrie would like to conclude those in 100 days and Mr. Friesen says 200 days?

Mr. POLANSKY. In this case, they would be 6 months and 12 months.

I've done the chart in percentages because we have different levels of days to compare for each case category. Perhaps as I go through one more chart, you will see the distinction more clearly.

The next chart is saying that 210 percent of 80 days, or about 180 days, was the actual in 1980 when Dean Friesen evaluated specific records. That's in the felony area. It was actually a little over 220 percent of the 80 days, or 180 days.

Senator SPECTER. Is there a rule on disposition of cases in the criminal courts on pain of dismissal?

Mr. POLANSKY. There is no 180-day rule; there is a speedy trial rule that says "with dispatch."

Senator SPECTER. But no further definition of that?

Mr. POLANSKY. No; and it is really not a very effective speedy trial rule.

And then this last column was late 1982—and in this case we have——

Senator SPECTER. The green represents what, Mr. Polansky?

Mr. POLANSKY. The green was 1980 actual times from a sampling study done by Dean Friesen. The red is from September or October 1982, when an extensive sampling was done.

DISPOSITION OF CASES BY CATEGORY

Senator SPECTER. A study by Mr. Friesen on the D.C. courts?

Mr. POLANSKY. Yes, sir. The red represents September to October 1982—we have indicated on the chart the days: felony, 185 days; misdemeanor, as a result of an extensive crash program, reflects 110 days by that time.

Juvenile cases, 145 days in 1982, but that is to disposition. It includes not only the trial time, as Judge Kessler reported, but also to the time of the determination of the sentencing and final disposition.

Domestic relations was over 1 year, 374 days, when we did our sampling last year. For divorce cases, that time is abysmal.

Our civil I law cases, major civil cases, are averaging 2.9 years, and our civil II cases 2.2 years.

The height of the bars represent a percentage of the original ideal time. It's the relationship of the bars to each other that we are trying to show, how close we are to the ideal, how close the realistic and actual are to those ideals.

Senator SPECTER. And what is the status of that backlog as of the end of 1982 compared to the end of 1981?

Mr. POLANSKY. The end of 1982 in terms of raw numbers is quite comparable. Starting with criminal, if you look at our criminal backlog starting in 1976 and running through 1982, from the statistician's view, it's sort of a straight line, or a flat plane. There was a rise from 1980 to

1981, and a small rise from 1981 to 1982 overall. But basically it's a flat plane. If you add the criminal and civil cases together, there is a substantial rise to the line. It's very obvious that the rise in the civil end results because we put more attention to our criminal caseload.

Senator SPECTER. There appears to be a fairly level line on both civil and criminal, if I read your chart accurately, from 1979 to 1982.

Mr. POLANSKY. From 1979 to 1982, the pending case level went down and up and down again. When you add the Family Division to the court, then the line again begins to go up and drop in 1980, but again going up. The line is almost flat going into the end of 1982.

And if you add the rest of our caseload, other cases in addition to family—that's probate and tax matters—all cases together, our line is still showing that upswing. We have had our first reduction for the last 2 years at the end of 1982, and that relates to the fact that landlord and tenant action filings last year dropped from over 100,000 down to under 90,000. The overall reduction in the total cases really relates to a drop of 1,700 pending landlord and tenant cases—an area which is handled by one judge.

INDIVIDUAL JUDGE CALENDARS

Senator SPECTER. Do you have the individual judge calendar, Judge Moultrie?

Judge MOULTRIE. Yes; we have that, sir, in civil I and in felonies, and also in misdemeanors these are individual calendars.

Senator SPECTER. Not in civil II? Why not?

Judge MOULTRIE. Because it's assigned on a master assignment basis.

Senator SPECTER. But civil II are complex cases or larger amounts of money?

Judge MOULTRIE. Civil I cases are our complex cases.

PERFORMANCE OF JUDGES

Senator SPECTER. Judge Moultrie, do you feel that you are getting the maximum amount of performance out of the 44 judges which you currently have?

Judge MOULTRIE. At this moment, sir, the judges are burdened; they are working terribly hard. And it results in morale problems, too. For example, I have judges with 500 misdemeanors on their individual calendar. It's difficult, our judges work long hours, and it's difficult not to be able to reduce a calendar. Our judges work extremely hard, sir.

Senator SPECTER. What are the standard court hours?

Judge MOULTRIE. We start at 9 o'clock and work to 5 p.m. with 45 minutes or an hour for lunch.

Senator SPECTER. And are those hours observed?

Judge MOULTRIE. Yes, they are, by all judges.

Senator SPECTER. How do you know they are observed?

Judge MOULTRIE. How do I know it? Well, No. 1, I'm in the halls, I know what's going on, I watch the calendars.

Senator SPECTER. My experience, Judge Moultrie, has been that our court hours are not observed, from my experience in the Philadelphia courts. Nine to five is a very arduous day, and I certainly commend you on that kind of a schedule.

Judge MOULTRIE. The only reason we don't let them sit after 5 o'clock in court rooms is because we don't have the money to pay overtime. But our judges work in their chambers until 7 or 8 o'clock at night.

Senator SPECTER. I understand that. I just ask about how you know because those are long hours, and to have judges sit from 9 to 5, as I say, is certainly commendable, but I just wondered how you know.

Judge MOULTRIE. I know personally, sir, because I check. I don't have any hours in the court, I'm there all the time. The point is we check, sir, we know.

Senator SPECTER. You go around from courtroom to courtroom to see?

Judge MOULTRIE. Yes; I have done that. For example—and I do this purposely—I go from one end of the hall to my courtroom at the other end of the hall, and as I go down the hall I look into the courtrooms and see who's there.

There is no doubt, Mr. Chairman, that Superior Court judges are the hardest working judges in the District. I am sure Judge Newman would say differently for his judges, but with the caseload we have, we need help.

Judge NEWMAN. Senator, in addition, the courtroom administrative personnel in Superior Court have to file time reports of proceedings in that courtroom, as do the court reporters. All of that is funneled into the administrative office.

So there are records that will assist in verifying when the court is up and when the court is down.

Senator SPECTER. So there are records maintained as to when the court starts each day?

Judge NEWMAN. Yes.

Judge MOULTRIE. Not only that, Senator, just recently we instituted what we call the maximum use of courtrooms. For example, at this very moment, my courtroom now is being used by a retired judge while I am here.

TIME RECORD OF A JUDGE'S DAY

Senator SPECTER. Mr. Polansky, would you pick out a day at random, say, the 10th of the month for January, February, March, and April, and let me see what those time records show as to the—how many courtrooms do you have?

Judge MOULTRIE. Forty-four.

Senator SPECTER. The starting time, break for lunch, resume, at the end of the day—I would just like to take a look at that.

Judge MOULTRIE. Senator, each judge has to file with my office and with the court executive a monthly report showing the time he reaches the courthouse, when he takes the bench, his lunch hour, and the case he handles, so we can get the information easily.

Senator SPECTER. Fine.

HARD-WORKING APPEALS COURT JUDGES

Judge NEWMAN. Senator, one aside: Chief Judge Moultrie says Superior Court judges are the hardest working in the District. I would clearly agree with him from 1970 to 1976 when I was on the Superior Court; I might dissent after 1976. [Laughter.]

Judge MOULTRIE. I do not change my statement, Senator.

Senator SPECTER. That's like the old saw, Judge Newman, when you moved from the Superior Court to the Appeals Court, you raise the level of both courts. [Laughter.]

Judge NEWMAN. That's correct.

PREVENTIVE DETENTION

Senator SPECTER. How is the rule on preventive detention working out, Judge Moultrie? How many of those cases do you handle a year, and what additional burdens, if any, does that place on your court system?

Judge MOULTRIE. The exact figures I could get from the clerk's office but it's working very well, Senator.

Senator SPECTER. What kind of hearings do you have, as a matter of course, when an application is made for holding someone in detention prior to trial?

Judge MOULTRIE. Well, if the U.S. Attorney's office asks for a 5-day hold or asks that a person be detained, by law he must be tried within 60 days or within 90 days of show cause.

So we are equipped to handle those cases expeditiously, and we do.

Senator SPECTER. What kind of a showing must the U.S. Attorney make to justify holding for trial without bail?

Judge MOULTRIE. Show that the person is a danger to the community, that he has a criminal record, and that he might flee from the community—all those things are involved.

Senator SPECTER. Is there a showing necessary of likelihood of conviction on the specific charge?

Judge MOULTRIE. Yes; the case against the individual must be substantially shown.

Senator SPECTER. How much evidence does the prosecutor have to customarily put on to meet that burden, if you can generalize?

Judge MOULTRIE. Preponderance of the evidence, show that the defendant is likely to be a danger to the community, et cetera.

I think the U.S. Attorney will be able to give you the exact number of cases they have asked for and what has been granted.

Senator SPECTER. On the pretrial detention, on the pretrial or preventive detention cases, those are subject to continuance on the application of the defendant beyond the 90-day period?

Judge MOULTRIE. Yes.

Senator SPECTER. Are there many cases where the defense makes the application for a continuance beyond the 90-day day period?

Judge MOULTRIE. Not too many, but there are some.

Senator SPECTER. What is the longest, to your knowledge, that someone has been held in preventive detention before being brought to trial?

Judge MOULTRIE. I wouldn't want to hazard a guess on that figure; however, I can get the figure.

Senator SPECTER. I would be interested to know that.

Judge MOULTRIE. We will get that for you.

Senator SPECTER. I would be interested to know, on the preventive detention cases—I see on a statistical chart that from June 1, 1982, to April 11, 1983 there were 50 requests, 44 of the requests were granted.

I would be interested to know the timeframes when those cases are tried.

PREVENTIVE DETENTION AND COMMUNITY SAFETY

How important would you say that the provision for pretrial detention is? Is it a significant factor in promoting safety of the community?

Judge MOULTRIE. I would think so, yes. And I advocate it.

Senator SPECTER. Can you amplify your reasons for that conclusion?

Judge MOULTRIE. Well, I think that we have had, because of the crime atmosphere, we have had persons committing crimes in the District that already had records, and the U.S. Attorney's office will call to our attention those persons—you may call them repeaters, whatever you want to call them—but we feel that when a person does have a significant record and he commits another crime, that person has forfeited his right to live in the community until he is tried.

As a result thereof, we believe that is a good law.

Senator SPECTER. Mr. Harris, would you join the panel at this time? You would be helpful on this question. You are on the second panel, but I would be interested in your judgment on the question, and also in Judge Newman's judgment on the question.

Perhaps we can go to you, Judge Newman, while Mr. Harris situates himself.

EVALUATION OF PREVENTIVE DETENTION

What is your evaluation of the value of preventive detention in the District?

Judge NEWMAN. Mr. Chairman, when I was general counsel of the Republican Party here in the District of Columbia when this bill was first being considered back in the sixties, I testified in favor of it for a specific reason. We have had in this country preventive detention by high money bond historically, by a judicial officer mouthing the formula of flight and setting a high money bond that everybody knew the defendant could not make.

It seemed to me that it was a more salutary procedure to set forth a process by which that type of detention could be had under circumstances consistent with due process and fundamental fair play, requiring the judicial officer to make on the record specific findings that were reviewable, realistically reviewable, under certain legislatively set standards.

I think our system has worked well in accomplishing that result. We have less back-door preventive detention than we had 10 years ago in this jurisdiction. And I think that makes for a more wholesome system.

On that basis primarily I think the system is a good one.

Senator SPECTER. The rule on preventive detention was reviewed by the court of appeals about 2 or 3 years ago?

Judge NEWMAN. Yes, it was, Mr. Chairman, I wrote the opinion for the full en banc court.

Senator SPECTER. There was a dissent in the case, as I recollect.

Judge NEWMAN. There were two. Judge Mack dissented on the constitutional issue of bail; Judge Ferron agreed on the constitutional issue of the right to bail, well known that it was not constitutionally protected—but dissented on a due process ground, a dissent with which I agreed in principle, saying that there was a footnote in the Supreme Court case that I didn't feel that I had the authority to overturn.

Senator SPECTER. Would you amplify that a bit, please?

Judge NEWMAN. Yes; Judge Ferron felt that the statute did not guarantee the full measure of due process required by the fifth amendment, but in—what's the name of the case, Stan, on probable cause hearing, if you are going to detain——

Mr. HARRIS. *Gerstein.*

Judge NEWMAN. *Gerstein* v. *Pugh.* The majority of the court in a footnote I think written by Justice Powell said that it had always been felt that due process, with respect to bail, was only coextensive with the constitutional provision of the fourth amendment with respect to bail, and thus only what was required by the fourth was what was required by the fifth. Judge Ferron tried to get around that, and I wished him well, because I thought there should be more due process set forth in that statute. I think the statute does set forth more due process than is constitutionally required, which was one of the things which Judge Ferron found distasteful. I think there should be more due process set forth in the statute.

CHANGES IN DETENTION HEARINGS

Senator SPECTER. What more should be done? I asked you about this because we are currently considering this in the Judiciary Committee in terms of bail reform for all of the Federal courts.

Judge NEWMAN. Well, remember I was merely determining the constitutionality of a statute, and thus did not have free rein on my individual judgment as to what would be good. As a legislator, I would look at the provision of the statute that permits most of the evidence in a detention hearing to be presented by proffer, without testimony levels. I am particularly sensitive in that regard because, as a Superior Court judge, I held one of the first preventive detention hearings under the then new statute, and detained. The grand jury ignored it, correctly, in a rape case.

Senator SPECTER. How could that be?

Judge NEWMAN. Most of the evidence I heard was by proffer. The grand jury heard testimony.

Senator SPECTER. Doesn't your grand jury hear hearsay?

Judge NEWMAN. Yes; but generally there are witnesses that are giving testimonial evidence in a number of the cases before the grand jury.

No. 2, an area that I would look at is the extent of the prehearing disclosure by the government to the defense, to enable the defense to adequately prepare for the hearing.

Our statute is a good one, it works effectively. I don't think there are defendants who are deprived of fundamental fairness. But as a legislator I would look at those two areas to see whether in my judgment additional safeguards might be appropriate.

Senator SPECTER. How do you square the principle of presumption of innocence until proven guilty with preventive detention, Judge?

Judge NEWMAN. The Supreme Court decision in the case called *Bell* v. *Wolfish*, written by Justice Rehnquist, who held for a majority of the Court that the presumption of evidence is a burden of proof matter at trial. The presumption of innocence does not come into play until trial, a binding decision on me, whether I agree with it or not.

Senator SPECTER. What was the context of that opinion, if you recall?

Judge NEWMAN. It was conditions of confinement, as I recall, whether or not certain conditions of pretrial confinement violated the Constitution.

PREVENTIVE DETENTION AND THE SUPREME COURT

Senator SPECTER. The Supreme Court of the United States has never upheld the pretrial detention or preventive detention, has it?

Judge NEWMAN. That is correct. They have never ruled on it one way or the other.

Senator SPECTER. Was certiorari applied for in the case from your court?

Judge NEWMAN. Yes; in addition, at the same time that our case was before the Supreme Court, there was a case out of the upper midwest, I think the eighth circuit. The Supreme Court dismissed that case as moot, the defendant having been tried and convicted before the case was resolved by the Supreme Court.

They could not tell us how to apply the doctrine of mootness, but they remanded it to us for proceedings not inconsistent with their opinion, and thus declined to review our case.

Our defendant had been tried and convicted as well before we decided; we refused to dispose of it on mootness grounds.

JURISDICTIONS WITH PREVENTIVE DETENTION

Senator SPECTER. Are there many jurisdictions which have preventive detention, if you know, Judge?

Judge NEWMAN. Quite a number. Some—and they span the horizon in terms of the content of them. Most recently, Hawaii declared its statute unconstitutional under the Hawaii constitution, a phenomenon that the State of Pennsylvania has used quite frequently.

Senator SPECTER. Due process grounds?

Judge NEWMAN. Yes; the Hawaii supreme court, through its chief justice, Bill Richardson, decided its case after our court had decided Edwards; I had sent Bill a copy of Edwards. When he issued his opinion, he sent it back and said, Ted, I'm not going to mess with the Federal Constitution, we are going to stay with our own.

EVALUATION OF PRETRIAL DETENTION IN THE DISTRICT

Senator SPECTER. Mr. Harris, how would you evaluate the effectiveness of the pretrial detention which has been in practice in the District of Columbia?

Mr. HARRIS. I think it's a very measured and a very effective statutory mechanism. We, I think, almost recognize that a disproportionate percentage of violent crime in any community such as ours is committed by a disproportionately small number of offenders, and typically those defenders are narcotics addicts.

And this statutory mechanism gives us an opportunity to identify these violent recidivists and to seek their incarceration pending trial, and this only comes after the culmination of a series of criminal acts.

Senator SPECTER. Mr. Harris, you have used the statute relatively infrequently, as I see the statistics from June 1, 1982, through April 11, 1983, on a document dated April 21, 1983, from Mr. Edward Ross, Jr., Director of Superior Court Operations to your principal assistant, Joseph diGenova, outlining that there were 50 requests made and 44 grants, as it says here, and 45 incarcerated. I don't know how 45 were incarcerated with 44 grants.

Mr. HARRIS. I assume in that one instance there were two defendants, both of whom we sought pretrial detention for.

NUMBER OF DETENTION CASES PENDING

Senator SPECTER. Well, that would explain it. Approximately how many cases did you have pending during that period, June 1—perhaps July 11, 1982, to April 11, 1983?

Mr. HARRIS. Well, in the recent past we have had pending—and this figure seems to hold roughly constant—about 2,200 felony cases which are indicted and pending; we also would have about 1,300 grand jury cases that are pending.

Senator SPECTER. Mr. diGenova, you feel free to join the panel and provide the statistics.

Mr. HARRIS. For the record, Mr. diGenova and Mr. Ross are considerably more familiar with the subtleties of the statistics than I am.

PRETRIAL DETENTION FOR REPEAT OFFENDERS

Senator SPECTER. Well, the thought on my mind is that that is not very many, given the criminal backlog and given the number of career criminals, repeaters, or career repeaters with drug backgrounds.

Mr. HARRIS. There are a number of reasons for that, Senator. One is that we do not seek to abuse the statute; we only seek to impose sanctions in cases in which we feel that there is a very real community need to do so.

One other factor is that we have statutory mechanisms now whereby if someone who is on parole or probation for the commission of a serious or violent crime, and if that person then would while on such release commit another violent or dangerous crime, we have hold provisions which are separate from the pretrial detention statute which permit us to seek an opportunity to hold that person, consolidate his two or more cases, and seek a modification of his conditions of release.

So we have that additional avenue for removing violent recidivists from the community pending trial in other cases.

Senator SPECTER. Are those cases where two or more charges are pending against the same individual?

Mr. HARRIS. That's correct, but they would be consecutive offenses; in other words, someone would be on probation or on parole for having been convicted of a violent or dangerous crime, and then while on such release commits another.

Senator SPECTER. So on a subsequent charge, you can revoke the parole or probation.

Mr. HARRIS. That's correct. We have hold provisions which will permit that.

Senator SPECTER. But if you have somebody charged with offense one and then is charged with offense two, you have to proceed under the preventive detention provisions, if you want to keep him in custody awaiting trial.

Mr. HARRIS. That's correct, although typically the offenders against whom we would proceed in the pretrial detention statute would have more than two offenses in their past.

Another factor is the resource factor. The court has limited resources. If we were to seek pretrial detention in an inordinate number of cases, it would be very burdensome to the court, both from the standpoint of the pretrial detention hearing and from the standpoint of the subsequent trial, which by statute would have to be held within 60 days.

That presents a resource problem from a prosecutorial standpoint as well in that most of our pretrial detention cases are handled by our chronic offender unit, and while we have increased the prosecutorial manpower in our chronic offender unit by about 40 percent, still numerically we have eight prosecutors in our chronic offender unit, and if they are forced to look at a very large number of cases, which must be prosecuted within 60 days, it becomes very difficult.

Judge NEWMAN. Mr. Chairman, if I might add a note. I can only recall—and I think I can talk about this case, since, although there was reversal the other day, the trial was scheduled today, so I doubt whether we will get an en banc petition—I am going to chance it and talk about it. There has been only one case, in my knowledge, in my ability to remember, where the Court of Appeals has reversed a preventive detention ruling, only one in all of the time that that statute has been on the books.

Senator SPECTER. All right, that's——

Judge NEWMAN. Which indicates to me that both the prosecutorial arm and the trial court arm are complying with the statute, and affording fundamental fairness and due process.

Senator SPECTER. Well, your experience is very interesting.

OTHER JURISDICTIONS WITH PREVENTIVE DETENTION

Mr. Harris, do you know of other jurisdictions which use preventive detention?

Mr. HARRIS. I do not have a real degree of familiarity with the other jurisdictions. The case which Judge Newman referred to earlier I think was an Arkansas case where their statute was taken to the Supreme Court—I think that was an Arkansas case.

Judge NEWMAN. Arkansas, Nebraska, somewhere out there. They are a coming wave, Mr. Chairman. Once the Supreme Court did not rule in the case out of the Federal courts, challenging a State court detention, and did not rule in ours, it's a coming wave.

Senator SPECTER. It may well be; the preventive detention provision was in the Bail Reform Act, so-called Bail Reform Act, passed by the Senate last year; it was not acted on by the House—and it may well become Federal law.

PREDICTING DANGEROUSNESS

Judge NEWMAN. One of the difficulties, Mr. Chairman, is highlighted by an article in either the Washington Post or the New York Times this morning. In a capital punishment case arising out of the State of Texas, the American Psychiatric Association filed an amicus brief pointing out the inability of psychiatrists to do any type of meaningfully accurate job in predicting dangerousness.

Our statute seeks to deal with that by making legislative findings that certain past records of conviction are evidence of dangerousness.

It becomes difficult, however, under our statute, in the type of case that we just reversed the other day—a 16-year-old, no juvenile involvement, no criminal record whatsoever, living at home with his mother and father, employed—first offense, felony murder and an attempted robbery. It's difficult to predict dangerousness with respect to that type of defendant—I'm not talking about that individual. But that type of defendant, strong community ties, no past record, youth, stable home environment, the like.

Senator SPECTER. Judge Newman, it's difficult to predict dangerousness under any circumstances.

Judge NEWMAN. Correct.

Senator SPECTER. And the conceptual distinction which you articulate that Justice Rehnquist has raised on presumption of innocence as it relates to a burden-of-proof issue is not necessarily compelling.

Judge NEWMAN. I said I am bound by it; I am not sure I agree with it, but I am bound by it judicially.

Senator SPECTER. You may be bound by it or you may not be, depending on the context of the holding.

Justice Rehnquist wrote an eloquent statement on preventive detention when he was an assistant attorney general back in the sixties, a powerful statement.

Judge NEWMAN. I'm aware of it.

Senator SPECTER. But the whole issue raises very, very troubling matters in my mind, and I see that they do in yours and Mr. Harris' as well in the care with which you approach it.

And I think that your experience in the District of Columbia is very germane as the Congress will consider the possible application of the entire Federal system.

COMPARATIVE STATISTICS OF COURT BACKLOG

But let's come back to the question of financing your courts and of backlog. Mr. Polansky, were you able to put your finger on the statistics as to the Court of Appeals compared to other appellate courts?

Mr. POLANSKY. I have. Unfortunately, the dates of these statistics are rather far back; they are 1977 and earlier. Comparably sized States, with no intermediate court—North Dakota, 7 months; Arkansas, 10 months; Wyoming, 10 months; New Hampshire, 10 months; Minnesota, 15 months; Mississippi, 16 months—and at that time the District of Columbia, 16 months.

Senator SPECTER. I would be interested in updated statistics and I would be interested in the comparison not only of those which have no intermediate court, but those which do have an intermediate court.

Mr. POLANSKY. We will do such a study.

BACKLOG IN COURT OF APPEALS

Senator SPECTER. It may well be that action is long overdue in granting some assistance to the Court of Appeals. You live in a very difficult climate where you analogize yourself to Sam Roberts, but the analogy might also be made between Sam Roberts and Warren Burger. You have other judicial systems which overshadow necessarily a court in Washington, D.C.

Judge NEWMAN. Mr. Chairman, first, that 544-day figure doesn't tell the full measure of the problem. We dispose of between 60 to 65 percent of our cases by division, by unpublished MOJ; those are our error review cases. The timeframe on those from submission to the court to disposition is relatively short. For example, a number of my colleagues, including myself, try to get those out within 1 week to 10 days after the court is presented those cases.

When you deal with two-thirds of your calendar that way, where you are getting expeditious disposition from time of submission to the court for decision, to ultimate decision, that brings the average down significantly.

Senator SPECTER. Oh, I understand that, that's why I asked the question about what's your longest case.

Judge NEWMAN. The real figure would be from submission to opinion, published opinion, and that figure, which is part of that 544 days—that figure is the alarming figure to me.

Senator SPECTER. What is that figure?

Judge NEWMAN. I don't have it at my fingertips; you will have it shortly.

INTERMEDIATE APPELLATE COURT

Senator SPECTER. Judge Newman, have you advocated the creation of an intermediate appellate court in the District?

Judge NEWMAN. From one end of the town to the other. There is substantial dispute as to the efficacy of that. The Douglas committee report recommended it; the Horsky committee report recommended against it, but recommended an increase in the number of judges on the Court of Appeals.

I personally do not think an increase in size of the Court of Appeals is the correct solution.

JUDGES RECOMMENDED BY HORSKY REPORT

Senator SPECTER. How many judges did the Horsky committee report recommend?

Judge NEWMAN. I think it was three.

Senator SPECTER. The Horsky report was handed down when?

Judge NEWMAN. Last year.

The 544 days includes a lot of administrative time. I'm often asked, well, why can't you cut down that administrative time? Well, it's like the old Army approach—I don't want to get into the old Army system of hurry up and wait. There is no point in expediting the briefing schedule if, at the end of that briefing schedule, the cases are just going to hang in the clerk's office, because there are too many cases to go to the courts.

You have to deal with that whole funnel from beginning to end. If you punch the balloon in one point, it will bulge in another.

Senator SPECTER. I'm prepared to take a close look at your situation. It seems to me that when Chief Justice Burger has spoken up about the need for additional judicial manpower, and we have an omnibus judicial bill which is going to be on the Senate floor today as part of the bankruptcy bill, that similar consideration is necessary for your courts.

IMPOSITION OF 180-DAY RULE

Have you considered the imposition of a 180-day rule to compel faster disposition of criminal cases or some similar speedy trial rule?

Judge NEWMAN. Yes; when the Federal statute was enacted at the request of the courts of the District of Columbia, we were specifically excluded from that provision. The only speedy trial rule we have now is the constitutional provision on speedy trials.

I am not sure, from my experience around the country, that the 180-day rule provision works well.

SPEEDY TRIAL RULE

Senator SPECTER. How about the speedy trial rule in the Federal courts? What does that provide, Mr. Harris, 90 days?

Mr. HARRIS. Yes.

Senator SPECTER. Why not that for the District of Columbia? Judge Moultrie, how would you like that?

Judge MOULTRIE. If I had some more judges, I could take it.

Senator SPECTER. You wouldn't like it without more judges.

Judge MOULTRIE. I couldn't do it without more judges.

THE 180-DAY RULE IN PENNSYLVANIA

Senator SPECTER. Mr. Polansky, has the 180-day rule been helpful in Pennsylvania?

Mr. POLANSKY. Senator Specter, as I recall, it did a great deal toward reducing the time to disposition of many, many criminal cases. On the other hand, there were a substantial number of cases that had to be dismissed because of the failure to observe that time limit, and it really was dependent upon the jurisdiction in which the case was being heard.

Philadelphia, for example, appeared to be able to maintain the 180 days. Many of the other counties could not in Pennsylvania.

Senator SPECTER. Do you know if there are many other jurisdictions which have similar rules?

Mr. POLANSKY. I don't know how many; there are other jurisdictions, a substantial number of them.

Judge NEWMAN. The consequence of such a rule, Senator, without a significant increase in manpower, judicial and administrative and prosecutorial and defense——

Senator SPECTER. Of course, that is the issue, Judge Newman, as to whether there is speedy justice being accorded in the District of Columbia. I do not know how many States have such a rule.

Mr. Polansky, if you could provide that information, that would be very helpful.

But what you really have here is that the District courts may well be a stepchild, a second-class citizen, because of the Federal courts which predominate the legal community in this area.

Judge NEWMAN. My experience with such rules around the country, where there has not been an increase in resources, is that you concentrate all of your resources on your criminal cases to the detriment of every other litigant in the courthouse.

Senator SPECTER. That is certainly the problem. Well, thank you very much, Chief Judge Newman, Chief Judge Moultrie, Judge Kessler—we heard from you extensively yesterday. Do you have anything you would care to add at this juncture on any of the issues we have raised?

CLOSING REMARKS OF JUDGE KESSLER

Judge KESSLER. Well, I guess to reiterate the last point that Chief Judge Newman made, obviously I am very aware of the intense interest in this community in getting criminal cases tried.

But it is certainly true that without a concomitant increase in other resources, I can almost promise you that the time to disposition in child support and divorce cases will double or triple, and while that will not hit the headlines in the same way, it will have a devastating impact on the litigants who have to wait for a decision in our cases.

Senator SPECTER. All right, thank you all very much. We very much appreciate your all being with us.

We will now take a 5-minute recess before turning to the second panel.

[A brief recess was taken.]

METROPOLITAN POLICE DEPARTMENT AND LEGAL SERVICES

STATEMENTS OF:

HON. STANLEY HARRIS, U.S. ATTORNEY FOR THE DISTRICT OF COLUMBIA

JUDITH ROGERS, CORPORATION COUNSEL, DISTRICT OF COLUMBIA

CHIEF MAURICE TURNER, METROPOLITAN POLICE DEPARTMENT

ACCOMPANIED BY:

CAPT. DAVID BOSTROM, YOUTH SERVICES DIVISION, METROPOLITAN POLICE DEPARTMENT

JOSEPH E. DIGENOVA, PRINCIPAL ASSISTANT U.S. ATTORNEY, DISTRICT OF COLUMBIA

EDWARD D. ROSS, JR., ASSISTANT U.S. ATTORNEY, DIRECTOR OF SUPERIOR COURT OPERATIONS

SECOND ROUNDTABLE PANEL

Senator SPECTER. We will resume the hearing. And our next panel of witnesses consists of the Honorable Stanley Harris, the U.S. Attorney for the District of Columbia; the Honorable Judith Rogers, Corporation Counsel; and Chief Maurice Turner of the Metropolitan Police Department.

Mr. Harris, I understand that you have no opening statement, but will respond to questions.

Mr. HARRIS. That's correct, sir.

STATEMENT OF JUDITH ROGERS

Senator SPECTER. Ms. Rogers, we would be pleased to hear from you next.

Ms. ROGERS. Mr. Chairman, I have a statement to submit for the record.

Senator SPECTER. We shall make it a part of the record in full.

Ms. ROGERS. Thank you very much. Without taking your time, I would only comment that in light of the type of information you have been hearing from the courts this morning, I think it's also important you recognize that the very problems the courts are facing are the problems that the legal office is facing in trying to serve those courts and move the cases. Some of the statistics which the courts have presented in past years can document that further.

[The statement follows:]

STATEMENT OF JUDITH W. ROGERS

I. Overview

The Fiscal Year 1984 budget request for the Office of the Corporation Counsel is $6,498,500 and funding for 150 of 165 authorized positions. This represents no increase in authorized positions and the additional funding of $132,300 will only cover increased costs of supplies, services and existing peronnel.

The Corporation Counsel is the chief legal officer for the District of Columbia Government, which has state, county and municipal responsiblities. My duties are, therefore, comparable to a state attorney general, county attorney and city attorney. Moreover, the duties of my office have increased dramatically as a result of the broad exposure of the District of Columbia to suit and the enactment of numerous laws establishing procedural as well as substantive rights. The workload of the Office has also increased because of administrative procedures embodied in the D.C. Administrative Procedure Act, the state-like court system established by the D.C. Court Reform and Criminal Procedure Act and the enactment of numerous new laws under authority delegated by Congress in the D.C. Self-Government and Governmental Reorganization Act.

A summary of the duties of the Office and highlights of our achievements is set forth in the Executive Summary of the Annual Report of the Office of the Corporation Counsel for FY 1981 (copy attached). Descriptions of improved juvenile delinquency prosecution, housing code enforcement, and child support collections appear at pages 26-31, 33 and 24-25; tax collection activities are described at pages 50-52.

II. Summary of the Fiscal Year 1984 Request

A. Staffing

The Office of the Corporation Counsel's budget is labor intensive with 87% or $5,681,500 required for personal services. This is $238,300 more than FY 1983, made possible by the increase of $132,300 and a redirection of $106,000 from FY 1983 equipment funds. Since this increase is about half of that required for cost-of-living and within-grade adjustments, and since personal services have been historically underfunded, the Office will only be able to fill an average of 150 of the 165 authorized positions. This means that a significant number of positions will have to remain vacant and only selective rehiring of encumbered positions will be possible during FY 1983 to meet the funding limitations of both FY 1983 and FY 1984.

The staffing level for FY 1984 will be strained by the addition of new responsibilities for the Office as a result of new laws: to wit, the Anti-Drunk Driving Act, Intra-Family Offenses Act, Drug Paraphernalia Act, Workers' Compensation Act, and the Compulsory No-Fault Automobile Insurance Act. Other new assignments include serving as the Ethics Counselor under the District's personnel law. Increasing workloads under existing responsibilities are expected to continue at an accelerated pace due in part to the faster processing of cases by three hearing commissioners in the D.C. Superior Court. The Annual Report for Fiscal Year 1981 provides further documentation of workloads.

B. Administrative Support

To make optimal use of limited resources, the Office of the Corporation Counsel began an improvement plan following completion of a management study in 1981. The Office must continue these efforts since workloads increase without corresponding increases in staff.

Our continued emphasis will be on modernizing the management and legal information systems as well as the administrative support capability of the Office. The budget request will permit minimum improvements. The schedule for management improvements in FY 1983 and FY 1984 is as follows:

1. Four additional word processing terminals in FY 1983.
2. A computerized data base management system (a computer processor with four terminals and printer) in FY 1983.
3. Completion of the pilot project for automation of case matter and management information tracking, and expansion to incorporate data and workload generated by all parts of the Office in FY 1984.
4. Installation of Phase 3 of the word processing system, bringing the total number of word processing terminals in the Office to 19 in FY 1984.
5. Implementation of a centralized case filing and indexing system in FY 1984 (to improve file control, storage and retrieval procedures, and use of space).

While the internal redirection of funds under Other Than Personal Services has reduced projected equipment costs, along with other services and charges, continuing inflation, and expanded workload have resulted in significant cost increases for basic office supplies and telephones. These costs are still at minimum levels.

C. Settlements and Judgments

To provide minimum flexibility in defending suits against the District of Columbia, the D.C. Tort Claims Settlement Authority Act was passed in 1980. This authority has enabled the District to avoid substantial jury verdicts in aggravated cases in which the District's exposure and liability were substantial.

The FY 1984 request for settlement of claims and suits is $2,360,700, or $639,300 less than the FY 1983 appropriation and $319,400 under the actual FY 1982 expenditure.

The FY 1984 request for judgments is $2,007,900, or only $162,376 more than actually spent in FY 1982 and $2,092,100 below the $4,100,000 allowed in the FY 1983 District Financial Plan.

The level of funding requested for Settlements and Judgments will require substantial time and attention, as well as legal skill, in view of the many and serious lawsuits which are pending against the District of Columbia. In this regard, our record is very good compared to other jurisdictions. The occurrence of judgments and settlements in excess of a million dollars in cases of substantial injury is now common in other jurisdictions. We have not paid out that much in any one case yet, and we have disposed of numerous cases involving serious permanent injury and death each year. One or two judgments or settlements in excess of a million dollars would deplete the requested funds, leaving nothing for the 1800 claims and 1200 other lawsuits filed each year. Because of this, extreme care is required to try to keep judgments as low as possible. Adequate time for pre-trial preparation will be absolutely required. Somehow this time will have to be found by staff that is already overburdened.

III. Conclusion

For the reasons set forth above, the FY 1984 budget request is the minimum level of funding required by the District's legal office.

STATEMENT OF MAURICE TURNER

Senator SPECTER. Before proceeding to questions, Chief Turner, we would be very pleased to hear from you.

Chief TURNER. Thank you, Senator, I have submitted an opening statement, and it would be redundant for me to read it at this point in time. I'm available to answer any questions that you have.

[The statement follows:]

STATEMENT OF CHIEF MAURICE T. TURNER, JR.

I AM PLEASED TODAY TO HAVE THIS OPPORTUNITY TO PRESENT THE METROPOLITAN POLICE DEPARTMENT'S BUDGET FOR FISCAL YEAR 1984. OUR REQUEST IS FOR $139,820,900; IT WILL FUND AN AVERAGE EMPLOYMENT LEVEL OF 4,390 POLICE OFFICERS AND CIVILIAN PERSONNEL.

I SHOULD POINT OUT THAT THIS APPROPRIATION LEVEL REPRESENTS AN INCREASE OF APPROXIMATELY 7 PERCENT OVER FISCAL YEAR 1983, AND I BELIEVE IT IS SUFFICIENT TO CARRY OUT THE MANDATE AND LAW ENFORCEMENT PROGRAMMING EFFORTS WE HAVE PLANNED AND DESIGNED FOR FISCAL YEAR 1984.

I AM ESPECIALLY ENCOURAGED BY THE DECREASE IN CRIME WE EXPERIENCED DURING 1982. IT FURTHER ILLUSTRATES THAT MANY OF THE ACTIVITIES WE INITIATED IN CALENDAR YEAR 1982 AND HAVE BEEN CARRIED OVER INTO 1983 ARE PRODUCING TANGIBLE BENEFITS.

I AM QUITE CONFIDENT THAT THE FISCAL YEAR 1984 RESOURCE LEVEL WHICH IS SUPPORTED BY NEW CRIME FIGHTING TECHNIQUES AND IMPROVED TECHNOLOGY WILL CAUSE THIS TREND TO CONTINUE, CONSEQUENTLY CREATING A SAFER ENVIRONMENT FOR THE MANY RESIDENTS AND VISITORS OF OUR CITY.

CURRENTLY, THE MOST IMPORTANT AND INNOVATIVE ACCOMPLISHMENT IN THIS DEPARTMENT HAS BEEN THE DEVELOPMENT OF OUR MANAGEMENT IMPROVEMENT PLAN. IT EMBODIES THE PHILOSOPHIES AND VALUES WHICH WILL GUIDE THE MANAGEMENT AND OPERATIONS OF THE METROPOLITAN POLICE DEPARTMENT WITH CLEAR GOALS AND OBJECTIVES.

IT ALSO INCLUDES A CONCEPTUAL OVERVIEW OF VARIOUS PROGRAMMATIC IMPROVEMENTS WHICH WILL RESULT IN THE BETTER UTILIZATION OF MANPOWER AND RESOURCES TO IMPROVE THE DELIVERY OF POLICE SERVICES TO RESIDENTS AND VISITORS OF THE DISTRICT OF COLUMBIA. AMONG THESE PROGRAMS ARE:

- MANAGING CALLS FOR SERVICE - AN IMPROVED CAPABILITY TO RESPOND TO CITIZEN CALLS FOR SERVICE, ESPECIALLY EMERGENCY CALLS REQUIRING THE IMMEDIATE RESPONSE OF AN OFFICER.

- DIRECTED PATROL - AN IMPROVEMENT IN THE DELIVERY OF POLICE SERVICES THROUGH MORE EFFICIENT AND PRODUCTIVE USE OF OUR POLICE OFFICERS' TIME WHILE ON DUTY.

- MANAGING CRIMINAL INVESTIGATION - A MORE REALISTIC APPROACH TO INVESTIGATING CRIMES, WITH EMPHASIS UPON THOSE CRIMES THAT HAVE THE GREATEST POTENTIAL FOR BEING SOLVED. WE ALSO ANTICIPATE AN INCREASE IN THE NUMBER OF QUALITY ARRESTS BEING MADE AND HIGHER CLOSURE RATES.

- ENHANCED CRIME ANALYSIS - AN IMPROVED ABILITY TO IDENTIFY AND APPREHEND CRIMINALS AND PREDICT CRIME TRENDS.

- IMPROVED INFORMATION PROCESS - AN INCREASED UNDERSTANDING BETWEEN THE POLICE AND THE COMMUNITY REGARDING EACH OTHER'S PROBLEMS AND PRIORITIES THROUGH IMPROVED COMMUNICATIONS AND COMMUNITY INVOLVEMENT IN THE POLICE DECISION-MAKING PROCESS.

- CAREER DEVELOPMENT - INCREASED JOB SKILLS THRU EDUCATION AND TRAINING, JOB SATISFACTION THRU UPWARD MOBILITY AND PROMOTIONS, AND THEREBY IMPROVING MORALE AMONG ALL EMPLOYEES WITHIN THE DEPARTMENT.

WE ALSO PLAN TO ANALYZE THE EXISTING CONFIGURATION OF POLICE DISTRICT BOUNDARIES AND BEATS TO ENSURE THAT PATROL PATTERNS ARE IN PROPER ALIGNMENT WITH NEIGHBORHOOD NEEDS. IN REALIZING THAT OVER THE PAST SEVERAL YEARS COMMUNITIES OF THIS CITY HAVE UNDERGONE VISIBLE CHANGES IN GEOGRAPHICS, POPULATIONS AND OTHER DEMOGRAPHICS, IT IS IMPORTANT THAT WE CONSTANTLY STUDY THESE ENVIRONMENTAL CHANGES AND PRUDENTLY DEPLOY OUR RESOURCES ACCORDINGLY.

IN OUR SOCIETY TODAY, I STRONGLY BELIEVE THAT THERE CAN BE NO GREATER COMMITMENT IN THE FIELD OF PUBLIC SERVICE THAN THE PROFOUND COMMITMENT TO PUBLIC SAFETY. AS CHIEF OF POLICE, IT IS IM-

PORTANT TO MAINTAIN THIS FUNDAMENTAL PHILOSOPHY AT ALL LEVELS OF THIS DEPARTMENT, AND TO ENSURE THAT MEMBERS ARE PLEDGED TO PROVIDING THE HIGHEST QUALITY OF POLICE SERVICE AND THE HIGHEST STANDARDS OF PROFESSIONAL INTEGRITY AND CONDUCT.

IT IS ALSO CRITICAL THAT WE CONTINUALLY ADVANCE NEW INITIATIVES TO DEVELOP HIGHLY COST-EFFECTIVE AND INNOVATIVE CRIME PREVENTION PROGRAMMING; THIS APPROACH, I AM CONVINCED, WILL AID US IN SUCCEEDING IN OUR FIGHT AGAINST CRIME DURING FISCAL YEAR 1984.

I WOULD LIKE TO EMPHASIZE SOME OF THE NEW TECHNOLOGICAL EQUIPMENT THAT WE WILL EXPERIENCE IN FISCAL YEAR 1984; THESE INCLUDE A COMPUTERIZED FINGERPRINT IDENTIFICATION SYSTEM, A 48 CHANNEL PORTABLE HAND-HELD RADIO WHICH REPRESENTS THE "STATE OF THE ART" IN PORTABLE COMMUNICATIONS; AND INCREASED HELICOPTER CAPABILITY THAT WILL ENSURE AN EFFICIENT AND HIGHLY EFFECTIVE RESPONSE TO CRIME, EMERGENCY PREPAREDNESS AND PUBLIC SAFETY.

UNDOUBTEDLY, SOME OF THE MOST SUCCESSFUL PROGRAMMING OPERATIONS HAVE BEEN JOINT EFFORTS CARRIED OUT WITH THE DRUG ENFORCEMENT ADMINISTRATION AND THE UNITED STATES MARSHALS SERVICE. RECENTLY, THE ATTORNEY GENERAL CITED THE JOINT ENFORCEMENT EFFORT AGAINST FUGITIVES, THE FIST OPERATION (FUGITIVE INVESTIGATIVE STRIKE TEAM) AS THE MOST SUCCESSFUL VENTURE OF THE FOUR FIST OPERATIONS IN THE NATION.

THE WASHINGTON FIST OPERATION RESULTED IN 614 ARRESTS, INCLUDING 166 LOCAL FUGITIVES CLASSIFIED AS CAREER CRIMINALS. IT IS SIGNIFICANT TO NOTE THAT CRIMINAL RECORDS OF THE 614 ARRESTEES INDICATED THAT THEY HAD AN AVERAGE OF FOUR PRIOR ARRESTS PER PERSON.

THESE FACTS VIVIDLY PORTRAY THE LEVEL OF SUCCESS THAT CAN BE ACCOMPLISHED BY JOINT LAW ENFORCEMENT EFFORTS THAT INCLUDE FEDERAL SUBSIDY TO LOCAL LAW ENFORCEMENT ACTIVITIES. ADDITIONALLY, IT ILLUSTRATES THAT INNOVATIVE APPROACHES THAT ARE BEING DIRECTED AT SELECTED GROUPS OF CRIMINALS CAN BE BOTH COST EFFECTIVE AND OPERATIONALLY SUCCESSFUL.

I AM CONFIDENT THAT THIS APPROPRIATION REQUEST WILL PROVIDE AN ADEQUATE RESOURCE LEVEL TO IMPROVE THE QUALITY OF POLICE SERVICES THAT ARE BEING DELIVERED TO THE RESIDENTS AND VISITORS OF THE DISTRICT OF COLUMBIA.

THANK YOU VERY MUCH, I WILL BE HAPPY TO RESPOND TO ANY QUESTIONS.

FUNDING APPROPRIATED FOR ASSISTANT U.S. ATTORNEYS

Senator SPECTER. Thank you very much. Mr. Harris, last year this committee recommended an additional sum to hire more assistants in the Superior Court Division of your office.

How many are now on board, and what has been the general result of the action taken last year?

Mr. HARRIS. The legislation, as enacted by Congress, provided that there would be $800,000 in the initial year for approximately 22 new assistants to prosecute in the Superior Court.

We do not have in the U.S. Attorney's office the independent ability to hire. Hiring may only be coordinated through the Executive Office for U.S. Attorneys in the Department of Justice.

The Executive Office suggested to us that we could not actually employ as many as 22 new assistants for the sum that had been appropriated. We went back to the Executive Office with the proposal that, as a compromise, we be authorized to employ 18 new assistants and 6 support personnel for the funds which had been appropriated.

That was approved by the Executive Office for U.S. Attorneys, and the Department of Justice generically. Those 18 attorneys were employed as quickly as we could possibly get them on duty, and they are serving the office now. So our authorized strength is now up to 180 regular assistant U.S. attorneys.

STRUCTURE OF U.S. ATTORNEY'S OFFICE

Senator SPECTER. Judge Harris, would you describe in outline form the structure of your office as you discharge your duties both in the D.C. Superior Court and the D.C. Court of Appeals and also in the U.S. District Courts.

Mr. HARRIS. Well, the larger portion of our resources is in the Superior Court part of our operation. At the present time we have a felony trial division in Superior Court operations. In 1981 that felony trial component had 33 assistants; it now has 38 assistants. That growth was in major part due to legislation enacted by the Congress that provided the Superior Court with three hearing commissioners. That enabled Chief Judge Moultrie to free two of his trial judges to pick up new felony calendars, and for each of those two felony judges, which were newly created or newly available as a result of the hearing commissioner legislation, to each of them we assigned three assistants, so that necessitated six assistants additionally to be assigned to the felony trial division.

We in the meantime had found it necessary to add five assistant U.S. attorneys to our Superior Court grand jury section, taking it up to a total of 22 lawyers.

We had an unusual situation in our misdemeanor trial section in Superior Court operations which was greatly alleviated by the provision for additional assistants. For a long period of time, we were faced with an extremely large caseload and a relatively small number of assistant U.S. attorneys able to try misdemeanor cases. Our more experienced resources, needless to say, had to be employed in grand jury and felony.

What we found it necessary to do is take a significant number of special assistant U.S. attorneys for relatively short periods of time—3 or 4 months—from the Department of Justice or the various regulatory agencies of the District of Columbia who felt that, No. 1, they could be helping us, and, No. 2, their attorneys could be getting litigation experience by working in our office.

Actually, that resulted in a majority of our misdemeanor cases being prosecuted by special assistants who, regrettably, could not be—we were not able to exercise our normal selectivity to picking the people who would become prosecutors on a special assistant basis, and just about the time that we had them trained and equipped really to be of great use to us, they would have to go back to the Department of Justice or to their own agencies.

LOSING CASES ON INEXPERIENCED ATTORNEYS

Senator SPECTER. Did you lose some cases you shouldn't have lost because of inexperience?

Mr. HARRIS. Yes, sir. And the additional assistants that had been provided to us through this appropriation permitted us to restructure our misdemeanor operation as we have long wanted to, which is to have seven four-prosecutor teams with three prosecutors in each team being our regular assistant U.S. attorneys and one of the four prosecutors being a special assistant.

Senator SPECTER. So you have 21 of your people there and 7 on lend-lease?

Mr. HARRIS. That's correct. Plus two supervisory assistant U.S. attorneys.

NUMBER OF U.S. ATTORNEYS

Senator SPECTER. How many assistant U.S. attorneys do you have altogether?

Mr. HARRIS. You mean in the entire office, Senator?

Senator SPECTER. Yes.

Mr. HARRIS. 180.

BREAKDOWN BETWEEN SUPERIOR COURT AND U.S. DISTRICT COURT

Senator SPECTER. And how is that divided up, if you do that, between the Superior Court responsibilities, and the U.S. District Court responsibilities?

Mr. HARRIS. That becomes somewhat difficult only with respect to two areas. We basically have 94 assistant U.S. attorneys in the Superior Court operation.

In the U.S. Courthouse, however, we have two parts of our operation which service both court systems. We have an appellate division, comprised of 22 assistant U.S. attorneys, who are physically in the U.S. Courthouse, but about 80 to 85 percent of their work is devoted to handling appeals which come to the D.C. Court of Appeals from the Superior Court of the District of Columbia. So that you would in effect have to say that those are working in the local court system to that percentage extent.

We also have a special proceedings section, which is physically located in the U.S. Courthouse, comprised of four assistant U.S. attorneys. They handle such matters as habeus corpus proceedings, extradition proceedings, close conviction, and collateral attacks on conviction.

Senator SPECTER. Those are really Superior Court matters, then.

Mr. HARRIS. They are about one-half District Court and about one-half Superior Court.

So that in the aggregate you could say—you are talking about close to 116 basically, somewhere in that neighborhood, I haven't done the actual math correctly here.

Senator SPECTER. And in the U.S. District Court of course you have to handle civil matters as well.

Mr. HARRIS. That's correct. Our civil division in the District Court has 29 assistant U.S. attorneys.

UNIQUE FUNDING IN FISCAL YEAR 1983 DISTRICT BUDGET

Senator SPECTER. How is your budget divided between what would be the budget through the Department of Justice as opposed to a budget through the District of Columbia structure?

Mr. HARRIS. It is not divided; it is basically entirely a Department of Justice budget. We make a budget submission that covers our whole operation. The assistance which the Congress gave us in that appropriation measure with the last District of Columbia appropriation bill was unique.

Senator SPECTER. I see, that was unusual.

Mr. HARRIS. Yes, sir.

Senator SPECTER. Did the $800,000 actually go to the District of Columbia or did it go to the Department of Justice?

Mr. HARRIS. I am advised that it went to the Department of Justice with the direction that it be spent on District of Columbia purposes.

FILLING OF NEW POSITIONS

Senator SPECTER. Have you employed all of those 18 assistants?

Mr. HARRIS. We have.

Senator SPECTER. And the six support personnel?

Mr. HARRIS. I am not certain about the support personnel.

IMPACT OF NEW POSITIONS ON CASELOAD

Senator SPECTER. And what impact has that had on your caseload?

Mr. HARRIS. It's a bit early to tell, Senator, but I think it has had a dramatically helpful impact in that prior to the receipt of the additional assistance, we had felony trial assistants which had essentially unmanageable caseloads, in the neighborhood of—a typical felony assistant would have 150 cases, which simply cannot be handled with the degree of professionalism that I think the community and the criminal justice system deserves.

Getting six additional people into the felony trial has permitted us to share the felony trial caseload, reduce the per-assistant caseload to a more manageable number, permit us to have more prosecutors that have been picked by us, trained by us, and that are full-time employees of ours.

DETERMINATION OF CASES TO GO TO DISTRICT VERSUS SUPERIOR COURT

Senator SPECTER. In terms of where the cases go between the U.S. District Court and the Superior Court, that is strictly a jurisdictional matter.

But there are obviously some cases—a bank robbery case, for example, in the District could go either way.

Mr. HARRIS. That's correct.

Senator SPECTER. That's your discretion.

Mr. HARRIS. That's correct. Before I became U.S. Attorney, a decision was made by my office to take the bank robbery cases to the Superior Court. I am not certain of all the factors that led to that conclusion—it is one which we are reevaluating, and the likelihood is we will be bringing the bank robbery cases back to the District Court.

But we are in the process of considering a realinement within our District Court criminal side.

Senator SPECTER. And there are quite a number of cases which could go either way. There is a statute which provides that someone who is caught with a firearm, having previously been convicted of a felony, prosecutable in the Federal court, that could get a relatively small sentence up to 2 years in jail, but, as those cases come down the pike, you make your judgment as to where you want to direct them. You have that discretion, of course, as the prosecuting attorney.

Mr. HARRIS. That is correct. And that will be affected—that and narcotics cases which could be brought under the Federal Uniform Controlled Substances Act, or under the District of Columbia Controlled Substances Act. A number of those decisions probably will be significantly affected by the mandatory minimum sentencing initiative which was adopted by the voters of the District of Columbia.

That could affect how we charge defendants, how we plea negotiate, where we feel that a case can be most efficiently handled, and those things are under consideration now.

SUFFICIENT RESOURCES

Senator SPECTER. Mr. Harris, do you feel that you have sufficient resources, personnel, in your office to handle your responsibilities?

Mr. HARRIS. I don't know of any law enforcement organization in the country that feels it has as many resources as it would like to have to do the job that it would be fully proud of doing, and we are no exception to that. But we have a very good office and a very smoothly functioning office; I am proud of the job they do.

But, like anybody else, we would welcome more.

OPINION OF HAVING AN INTERMEDIATE APPELLATE COURT

Senator SPECTER. Just briefly, on a couple of related matters—first about funding the court structure. You have a unique position in many respects, but partly because you have served on the Superior Court and also on the Court of Appeals.

What is your judgment as to what ought to be done, if anything, to assist the Court of Appeals on its backlog? Should we have an intermediate appellate court in the District of Columbia, in your judgment?

Mr. HARRIS. My feeling is more of simply an impression that I have gained from serving on the court rather than as one who has really made an intensive study as to what has happened in other jurisdictions where there has been an intermediate Court of Appeals.

I tend to be more sympathetic to the view of the Horsky committee, that is, that there is not a need for an intermediate appellate court, and that the better solution would be to have additional judges on the Court of Appeals.

Senator SPECTER. How many judges do you think? Three hardly seems to have much of an impact on the kind of a backlog which the court has at the present time, would it?

Mr. HARRIS. I would have to study the figures more closely than I have been able to to comment with any degree of confidence.

ADDITIONAL SUPERIOR COURT JUDGES

Senator SPECTER. Do you have any sense of the issue of additional resources for the Superior Court?

Mr. HARRIS. Yes; I believe there is a very real need for additional resources there.

Senator SPECTER. Do you concur with Judge Moultrie's request for seven additional judges, or can you be that specific?

Mr. HARRIS. It would be difficult for me to be that specific, but he has refreshed my recollection that it was the Senate's belief initially back when the court reorganization bill was passed, that 51 would be the appropriate figure at that time. And I recall when we were designing the courthouse, there was a hope that the courthouse would be built in such a way that it would be rather easy to expand it by adding new courtrooms and new chambers for new judges as time went along.

Senator SPECTER. If seven additional judges were added to the Superior Court, would that require additional personnel for your office?

Mr. HARRIS. Yes, sir, very definitely. The presumption would be that—our belief is that seven additional judges being provided for Superior Court, three of those, in all likelihood, would be trying felony cases, which would necessitate three or four prosecutors per judge from our office.

JUSTICE ASSISTANCE ACT

Senator SPECTER. On a couple of related matters, are you familiar with the Justice Assistance Act which has been on the drawing boards in the Congress and approved by the administration for the extent of $100 million this year?

Mr. HARRIS. Only in a very general sense, but, as I understand its objectives, I fully endorse them.

Senator SPECTER. We think we are in a position to move ahead there.

Would your office be a recipient of any of those funds, or would they characteristically go to State district attorneys' offices?

Mr. HARRIS. I don't know the answer to that.

Senator SPECTER. You may be caught in a void; you are too close to the process. You are not really thought of, I suppose, as local law enforcement as, say, the Philadelphia district attorney's office is.

PERSONNEL NEEDS OF U.S. ATTORNEY'S OFFICE

Mr. HARRIS. There is one thing I neglected to mention a little bit earlier about our personnel needs within our office.

As you very likely are aware, the Carter administration proposed to turn over the local prosecutorial responsibility to the District of Columbia government, and, as a result of that, in my view the office did not keep the Department of Justice as fully informed as to the office's needs as might have been the case. And we have found the Executive Office for U.S. Attorneys and the Department very receptive to the input which we have been giving them in the past months as to what our needs are.

CAREER CRIMINAL BILL

Senator SPECTER. Judge Harris, last year the Congress passed the career criminal bill which I had promoted, which provides that where someone has been convicted of two or more previous robberies or burglaries, and is charged with a subsequent robbery or burglary with a firearm, that person could be prosecuted in the Federal court. And that is a matter that I have taken up with the President and the Attorney General and had the administration endorsement. It had a long history of opposition from district attorneys who were concerned that Federal prosecutors might usurp their responsibilities, and a so-called veto provision was added which then drew concern from the Department of Justice as to whether that might be an unconstitutional infringement on the executive powers under article II of the Constitution.

And we are back with that item on the Judiciary Committee calendar now. It was one of a package of seven bills which was vetoed because the President did not like the drug czar, which was attached as one, and in his veto message he expressed concern about the constitutionality.

The Department never concluded that the career criminal bill with the veto was unconstitutional, but raised a question about it.

I think probably if that had come without the drug czar that the package would have been signed.

The thrust of the legislation from my perspective is, having had experience as district attorney with many career criminals in the court system, and with defense lawyers judge-shopping from one courtroom to another—we did not have in Philadelphia an individual judge calendar—that it would have been a great procedure to have referred two or three of those cases to the U.S. Attorney where they could have been tried expeditiously, as cases are tried fast, say, in the Federal system in Philadelphia, with a mandatory minimum of 15 years we compromised down from a life sentence, which we had on analogy to habitual offender statutes in some 44 States.

But I do believe that if in a city like Philadelphia the district attorney could send those cases to the U.S. Attorney it would have great leveraging effect on the other career criminal cases where the lawyers would then not be so anxious to judge-shop, and while you wouldn't get 15-year sentences in the Philadelphia courts, you might get 7-year sentences or 8-year sentences, but to get the cases disposed of.

And in the negotiations with the Office of Management and Budget, there was a ceiling set on the career criminal cases in the Federal target—500 was the target for the first year—principally as a leveraging device.

And I would be interested to know your thinking. You would be in an extraordinary position as a prosecuting attorney who would have control of both the local calendar and the Federal calendar. You could pass it from your right hand to your left hand.

What would your evaluation be of the ability, say, really looking for an opinion, say, in a situation like Philadelphia or Pittsburgh or Chicago or Manhattan in New York where the State prosecutor can send the case over to the Federal prosecutor to try to help him on the balance of the cases where there was so much judge-shopping, for example?

Mr. HARRIS. I think the legislation sounds salutary, frankly. We are faced, unfortunately, with a relatively small number of people in this country who are violent recidivists, and I believe that the legislation that you are talking about would permit them to have a certainty of punishment which would be salutary in the community. Certainly the criminal population in the United States is extremely sophisticated as to what it is likely to face by way of punishment if they are caught and convicted of crime.

Senator SPECTER. I think that point is very much misunderstood by people who don't deal in the system, how sophisticated the criminals are and how well they know the individual judges and how they know the system, and how they play it for all that it is worth. But I am interested to know your comments on that.

OFFICE OF THE CORPORATION COUNSEL

Turning to the Corporation Counsel's department, Ms. Rogers, the Counsel's office has not received an increase in staff in the last 3 years. The division that handles juvenile and misdemeanor cases has had a reduction of some three staff positions.

How are you getting along? Do you have sufficient help? Do you endorse the Mayor's budget?

Ms. ROGERS. Well, Mr. Chairman, I think that I tried to indicate as judiciously as possible that the same burden that is of concern to the courts is of concern to our office. I think it's important, just by way of context, to appreciate what's happened in this jurisdiction.

Starting with the court reform legislation in 1970, setting up basically a State court system in the District of Columbia, that was followed by a D.C. administrative procedures act modeled after the Federal statute, and then followed by home rule law.

All of that has resulted, in addition to court decisions with regard to the exposure of the District of Columbia to sue, to increasing caseloads and responsibilities in our office.

I am certainly concerned about some of the issues that the courts are concerned about and in their efforts to maximize the use of resources that they have; we have done the same thing.

But as the court rules, for example, are changed and the time for filing answers and responding is shortened, that puts a burden on us that forces us into the uncomfortable position of requesting continuances. And that is of concern to both the local courts and the Federal courts.

KEEPING UP WITH WORKLOAD

Senator SPECTER. Ms. Rogers, in general, as a result of no increase in positions over the past 3 years, how are you keeping up with your workload?

Ms. ROGERS. Well, we try to do several things. One, we sent a bill to the District Council to authorize the District of Columbia to settle cases without the $10,000 maximum limitation which had been imposed since the statute was passed in 1942. That was passed by the District Council, giving the Mayor unlimited settlement authority, and he delegated $100,000 to me.

That has enabled us to settle some of the more serious cases where the District's liability and exposure are clear, and thereby avoid multimillion dollar verdicts which are being experienced around the country.

However, as you may know from reading the paper here, we are not always successful.

Senator SPECTER. You are saying that has helped you keep up with your workload without more personnel?

Ms. ROGERS. Well, the problem, as you are well aware, Mr. Chairman, is that we don't have the luxury in the civil area of simply deciding not to prosecute the case, if that indeed is a luxury. What we have been trying to avoid in this jurisdiction is the problem faced in others where you have multiple number of defaults against the city where the city either fails to appear or fails adequately to defend.

So we have tried to get additional leeway through settlement authority.

We have also tried to bring in everything from law students, college interns, et cetera. We also set up a pro bono attorney program, trying to get some of the private firms to assist us.

Senator SPECTER. Are you holding your head above water?

Ms. ROGERS. Just barely.

NEED FOR ADDITIONAL RESOURCES

Senator SPECTER. Do you need more resources?

Ms. ROGERS. I think I want to endorse the statement that Judge Harris just made. Obviously everyone would like more resources. There are certain realities we have to deal with.

Senator SPECTER. I understand the limitations. As the Mayor's appointee, you have to function within the budget which he has submitted on your behalf, but as a general conclusion you feel you can maintain an efficient operation in the Corporation Counsel's office within the confines of the budget proposals which have been submitted to this subcommittee?

Ms. ROGERS. We will certainly do our best.

Senator SPECTER. I interpret that to be a yes.

All right, it is hard. I do not know, if you said you needed more money, where we would get the money necessarily, and I appreciate the constraints on your position as the Mayor's appointee, as I say.

I am very much concerned that you do have the resources you need, and when I see the statistics that you haven't had an increase in staff in 3 years, I know that you have had increased workload as a result of the normal factors that are at play in your department.

DECREASE IN CRIME INDEX

Chief Turner, the overall crime index fell 3 percent in 1982. To what do you attribute this decrease, if you can give us an opinion on that?

Chief TURNER. Yes, sir, Senator Specter. We put in place, I believe about 1 year ago, the repeat offender unit of the department. In conjunction with the U.S. Attorney's Office, we increased the number of individuals that were assisting the U.S. Attorneys in the career criminal unit to seven. We think by identifying those individuals who we believe were career criminals, concentrating on those career criminals, with the express desire of bringing to a successful prosecution and incarceration—I think, to a large degree we have had an impact on crime.

Also I would like to give some attention to the narcotic task force. The narcotic task force began its operation in August 1981. To date they have made approximately 5,000 arrests. But what has been more beneficial with the narcotic task force is the intelligence information that we have gathered by debriefing the individuals who have been arrested.

The arrest that was culminated last Friday with one of the major drug rings in the District, that information came right under the drug task force from some of the street sales that transpired in the District.

Additionally, along those lines, we have closed, with the assistance of the U.S. Attorney's office, many of the open homicides that were occurring in the District that were drug-related.

And, last, I think the management improvement program that the Department has implemented to better control its resources, has led to the decreases of crime that we encountered in 1982. And so far in 1983 we have approximately a 12-percent reduction in crime for the first 4 months of the year.

CAREER CRIMINAL UNIT

Senator SPECTER. That certainly is a good record. You have an 88-man career criminal unit that has identified about 1,000 individuals in the District who have committed multiple crimes.

Would it be your judgment that there are about 1,000 career criminals in the District of Columbia, if you define a career criminal to be someone who has committed three or more robberies or burglaries?

Chief TURNER. I would say that's a ball park figure. A lot of the arrests that they made were on prior warrants that were taken out. And right now they have identified about 900 individuals. Obviously they can't target all of them at the same time. They try to target the most active individuals along those lines.

Senator SPECTER. How many were arrested last year, if you know?

Chief TURNER. 631 people were arrested.

Senator SPECTER. In the career criminal status?

Chief TURNER. By the career criminal unit, yes, sir.

NUMBER OF CAREER CRIMINALS IN THE DISTRICT

Senator SPECTER. Judge Harris, the question of how many career criminals there are is one which a number of us speculate from time to time. I put a figure in Philadelphia of 2,500 when I was district attorney, and, for want of a better figure, guesstimated about 200,000 nationwide.

Would you think that 1,000 in the District of Columbia is a realistic figure, to the extent that a judgmental factor can be applied to that?

Mr. HARRIS. Well, with me is Edward Ross, the Director of Superior Court Operations, and I would defer to his feeling as to a figure in that area.

Mr. ROSS. Good morning, Senator.

Senator SPECTER. What do you think, Mr. Ross?

Mr. ROSS. Actually, my figure would really be a ball park figure as well. I tend to think that there are an awful lot of people that could qualify for career criminal status, depending on the various criteria that are selected by the people who are making the decision.

The chief has spoken about the repeat offender project. The criteria that that project uses differ substantially from the criteria that are used by the police department and the U.S. Attorney's Office in our chronic offender unit. Last year we took into that unit for special processing approximately 700 defendants.

If you assume that we have probably put our finger on only about one-half of the career criminals, you are talking about 1,500, maybe 2,000 career criminals here in the District.

The fact is, as I say, depending on how you shape your criteria, you probably can come up with estimates varying between 500 and 3,000.

Senator SPECTER. And the District has a population of what, within the range of 700,000?

Mr. ROSS. Yes, sir.

Senator SPECTER. But as a metropolitan area you have more career criminals than a proportionate 700,000 of the population nationwide. The metropolitan area of the District of Columbia is what, 3 million?

Mr. ROSS. Yes, sir.

NUMBER OF CAREER CRIMINALS IN THE UNITED STATES

Senator SPECTER. I am asked from time to time how many career criminals there are in the United States. Mr. diGenova, how many are there?

Mr. DIGENOVA. Mr. Chairman, I wish I could tell you. What I was going to say, and add to what Mr. Ross and Judge Harris have said, is that one of the ways you could try to measure this is by the pretrial detention statistics, because they are overwhelmingly repeat offenders.

Now, when we are talking about pretrial detention, we are not just talking about technical pretrial detention, which is a long hearing, which requires the government to produce evidence. What we are talking about is the first-degree murder hold, which is now available, and no bond on the discretion of the judge, the 5-day holds which have been in existence since 1970 when Congress enacted them, the 3-day holds in technical pretrial detention. Since July, when the District Council amended the 1970 act, and added some provisions which Judge Harris has addressed previously, which we think have been extremely helpful, the total of individuals incarcerated is 570. The overwhelming majority of them—I would say more than 500—are repeat offenders.

So that would serve to underscore that at a minimum, at a minimum we are talking about at least 500 people. And so just using that set of criteria.

Senator SPECTER. So you think it could be somewhere between 500 and 1,500 or 2,000 career criminals?

Mr. DIGENOVA. Absolutely.

Senator SPECTER. Do you think 200,000 for the country is a realistic ball park figure?

Mr. DIGENOVA. From my reading, it seems to be a very reasonable figure.

INVESTIGATION DIVISION INCREASE VERSUS PATROL DIVISION DECREASE

Senator SPECTER. Chief Turner, I note that you propose to increase the criminal investigation division by 21 positions, and you plan to reduce the patrol division by 20 positions.

Are those budget allocations really one for another, and is it adequate really to reduce the patrol division by that many positions?

Chief TURNER. I think we constantly are making an analysis, Senator Specter, of manpower, and where the needs are. In our assessment there is a need for additional investigators in the criminal investigation division. I think the latest study indicated that we need seven additional investigators in the robbery branch because of the caseloads that were being carried.

PATROLING THE FAST DRIVING LANES

Senator SPECTER. Now, in the patrol division, does that include patrols of the diamond lanes around town?

Chief TURNER. Yes, sir, it does.

Senator SPECTER. Do you have many congressional personnel using the diamond lane? [Laughter.]

Chief TURNER. We don't police those diamond lanes here in town.

Senator SPECTER. Who does police those?

Chief TURNER. I think the diamond lanes are policed by Virginia State Police and Arlington County police.

Senator SPECTER. Well, you have diamond lanes in the District of Columbia. You have one on Constitution Avenue that I always stay out of.

Chief TURNER. Well, we have other bus lanes through the District, but in our priorities of enforcement, that's very low on the totem pole.

CLAIMS OF CONGRESSIONAL IMMUNITY

Senator SPECTER. How many claims of congressional immunity have you had last year on freedom from arrest going to and from wherever?

Chief TURNER. We have none to my knowledge, Senator.

Senator SPECTER. That's very good. I see your overall budget has moved from $130 million to about $139 million, which gives you an increase of $9 million, and given the difficulties of budget constraints, that could be worse.

SUFFICIENT RESOURCES

Are you generally satisfied with that in terms of your ability to perform the functions of the police department?

Chief TURNER. Yes, sir, I am. The $139 million I think will be sufficient for us to maintain the level of police officers that we currently have. And I am very pleased, as I stated earlier, we are presently having a 12-percent reduction in crime. I think we are managing our resources correctly, and this will allow us to do what we plan.

Senator SPECTER. And you think you have sufficient police personnel to adequately handle the problem of crime in the District?

Chief TURNER. Well, I would always want more, as the judge stated, the question being have we reached that saturation point. Right now, we are enjoying a reduction in crime, and I think the key to it is identifying career criminals, those people who constantly prey on the community. And once you have incarcerated them, you don't have the crime problem.

COMPARISON OF NUMBER OF POLICE CARS TO OTHER JURISDICTIONS

Senator SPECTER. Chief Turner, do you compare the number of police cars on the street in the District of Columbia with the number of police cars on the street in other cities, to give some idea of the visibility of the police car here, say, with the visibility of the police car in Chicago or New York or Pittsburgh or Philadelphia?

Chief TURNER. I'm sure we made some studies, fleet management studies, of the number. I think we have taken into account our own individual needs as opposed to those of a different locale. Quite often, at IACP meetings and other meetings of police executives, we share and exchange programs and ideas. A lot of things that you cannot just take in toto and bring here to the Nation's capital and you can't take from the Nation's capital and bring to Chicago.

[The information follows:]

NUMBER OF MPD VEHICLES COMPARED TO OTHER CITIES

Unfortunately, no recent studies on this subject have been conducted by this Department or other police affiliated institutions. The folowing information was compiled by this Department from a telephone survey, dated May 3, 1983, of five police municipalities with correlating demographics:

City	Population	4 wheelers	2 wheelers	Totals	Pop. per veh. ratios
Baltimore, MD..........	791,000	644	78	722	1,096
Boston, MA..............	600,000	450	150	600	1,000
Cleveland, OH.........	601,000	498	135	633	950
Phoenix, AZ.............	718,000	789	118	907	792
San Francisco, CA...	659,000	419	307	726	908
Washington, DC......	631,000	522	346	868	727

Further analysis indicates that when the five (5) surveyed municipalities are totaled and averaged the District of Columbia still has the best ratio of total vehicles per citizen.

VISIBILITY OF POLICE CAR

Senator SPECTER. I would be interested to know if there are any statistics on that, as to the amount of time a police car is on the street.

We had a police chief in Philadelphia who prided himself on the visibility of the police car. And my sense was that that was a very salutary thing, very, very helpful indeed. That particular chief went on to higher ambitions.

But Commissioner Rizzo did emphasize that one aspect which I thought was very salutary. I would be very interested to know if there is any statistical base available, because I frankly don't see as many District of Columbia police cars on the street, and it may just be that they don't go on Constitution Avenue.

Chief TURNER. We have a very unique situation, if I can comment on a couple of things. High visibility obviously takes away the opportunity to prevent crime. It has been the policy of the Metropolitan Police Department that when there are vehicles that are not being utilized, scooters are parked in front of commercial establishments and business establishments, so that the public believes a police officer is present in the block. We take scout cars that are not being utilized and do the same thing.

NUMBER OF POLICE CARS

We have a total of—if I can find vehicles here—we have a total of 486 automobiles—those are four-wheeled vehicles.

Senator SPECTER. How many is that?

Chief TURNER. A total of 486. And most of those vehicles are being utilized. One of the problems that we were encountering that we put in the management improvement program was the abuse that we were having in the 911 calls; we had in excess of 1 million calls on 911. People were calling for everything, and we were dispatching cars for everything.

So mainly those cars were tied up on radio runs. Where we have now freed up some of the vehicles, the calls are decreasing. That will give more time for scout cars to be visibile that you were talking about.

The other thing that you were talking about on Constitution Avenue and Independence Avenue, the enforcement there is mandated by law to the U.S. Park Police once you pass 15th Street. Constitution Avenue is policed by the U.S. Park Police as opposed to being policed by the Metropolitan Police; the same way for Independence Avenue.

Senator SPECTER. Thank you very much. Thank you very much, Judge Harris, Ms. Rogers, Chief Turner, Mr. diGenova, Mr. Ross—thank you very much for your testimony.

I would like to turn now to our final panel and our final witness, Mr. James Palmer, Director, Department of Corrections.

DEPARTMENT OF CORRECTIONS

STATEMENT OF JAMES PALMER, DIRECTOR

ACCOMPANIED BY:
- JAMES FREEMAN, ASSISTANT DIRECTOR FOR CORRECTIONAL SERVICES
- GEORGE HOLLAND, ASSISTANT DIRECTOR FOR DETENTION SERVICES
- WILLIAM GOLIGHTLY, ASSISTANT DIRECTOR FOR ADMINISTRATIVE SERVICES
- MICHAEL HAGSTAD, CHIEF, OFFICE OF BUDGET, DATA AND ANALYSIS

INTRODUCTION OF AGENCY WITNESSES

Senator SPECTER. Welcome, Mr. Palmer, if you would introduce those who accompany you, I would appreciate it, and then you may proceed.

Mr. PALMER. Good morning, Mr. Chairman. To my right I have Mr. William Golightly, Assistant Director for Administrative Services; our budget analyst, Mr. Michael Hagstad; to my left I have Mr. George Holland, Assistant Director for Detention Services; and on my far left, Mr. James Freeman, Assistant Director for Correctional Services.

BUDGET REQUEST

Mr. Chairman, the Department of Corrections' fiscal year 1984 appropriated budget request is $102,127,200 and 2,156 positions. This level of funding will support an average employment of 2,090 and a total of 6,303 institutionalized persons in D.C. and Federal facilities, as well as supervision of 2,800 parolees. The Department makes this statement of need in full recognition of the financial circumstances of the District of Columbia. However, with the population loading which has been thrust upon corrections and the boundaries established by recent court orders, we have little choice. It is our hope and plan to make inroads on the increased population through secure alternatives at reduced taxpayer cost.

PREPARED STATEMENT OF DIRECTOR OF CORRECTIONS

Senator SPECTER. Mr. Palmer, we have your full statement, and it will be included in the record. Perhaps we could go to a couple of questions of special interest to the subcommittee.

[The statement follows:]

STATEMENT OF JAMES F. PALMER

The Department of Corrections' fiscal year 1984 appropriated budget request is $102,127,200 and 2,156 positions. This level of funding will support an average employment of 2,090 and a total of 6,303 institutionalized persons in D.C. and Federal facilities as well as supervision of 2,800 parolees. The Department makes this statement of need in full recognition of the financial circumstances of the District government.

However, with the population loading which has been thrust upon corrections and the boundaries established by recent court orders, we have little choice. It is our hope and plan to make inroads on the burgeoning population through secure alternatives at reduced taxpayer cost. But this will require time.

The budget request is an increase of $14,331,300 and 92 positions over fiscal year 1983. The additional funds provide for new needs for the projected pay adjustment, inflation for energy and rent costs, projected increased population and man-day costs for D.C. Code violators in Federal facilities, and care factor, that is, consumable items, for 580 incarcerated persons above the budgeted level of fiscal year 1983. The authority for new positions requested will meet court-ordered correctional staffing levels and assist in handling the severe population increases of the past 2 years.

The fiscal year 1984 request requires the absorption of all inflation increases in supplies, contractual services and equipment, amounting to $662,511, or 3.0 percent of the other than personal services budget excluding the Federal Bureau of Prisons. Finally, and most significant, a basic premise of this submission is the decrease of the actual current incarcerated population. The current actual is 5,050 persons in secure D.C. facilities, which must be reduced to 4,780 for the Department to operate within the budget. The fiscal year 1984 request assumes that some alternatives to incarceration will have been explored and put into place by the beginning of the budget year. Items now under review include third-party custody, alternative sentencing, diversion and early release, none of which are new ideas. However, as incarceration becomes ever more costly, it is mandatory that basic premises be reexamined. If we are not successful, it will mean added facilities and expense.

SATISFACTION WITH BUDGET

Senator SPECTER. I realize the constraints that you operate under as the Mayor's appointee, but let me ask you the same question that I asked the others. Are you generally satisfied with this budget request?

Mr. PALMER. Yes, sir.

USE OF ADDITIONAL RESOURCES

Senator SPECTER. If you had additional resources available, what are the major areas of problem which you would direct those resources toward?

Mr. PALMER. We would utilize it in improving the facilities and increased employment.

Senator SPECTER. Additional personnel, additional guards?

Mr. PALMER. Yes, sir. Plus training, sir.

NUMBER OF INMATES IN DETENTION FACILITIES

Senator SPECTER. How many inmates are in detention in the District of Columbia at the present time?

Mr. HOLLAND. 2,183, sir.

Senator SPECTER. That is as of this morning?

Mr. HOLLAND. That's as of this morning, sir.

NUMBER OF DETENTION FACILITIES

Senator SPECTER. And how many detention facilities are there in the District?

Mr. HOLLAND. There's just one detention facility, sir.

Senator SPECTER. Is that pretrial?

Mr. HOLLAND. We have pretrial and sentenced there at this point, sir.

Senator SPECTER. And sentenced.

Mr. HOLLAND. Yes, sir.

INCARCERATION OUTSIDE THE DISTRICT

Senator SPECTER. Are any of the people convicted in the District of Columbia incarcerated outside of the District of Columbia?

Mr. PALMER. Yes, sir.

Senator SPECTER. Where are they incarcerated?

Mr. PALMER. The females are incarcerated in West Virginia, and we have some male prisoners in other Federal institutions.

Senator SPECTER. Is that a contract arrangement with West Virginia?

Mr. PALMER. Yes, sir, we pay our bill to the Federal Bureau of Prisons for the females.

Senator SPECTER. In most jurisdictions the correctional facilities have to be within the jurisdiction. We had a terrible problem in Pennsylvania about where to build a prison, and everybody in Pennsylvania wanted to build it in New Jersey, which, of course, we couldn't do.

But you do not have any facilities within the District for the housing of convicted females?

Mr. PALMER. No, sir.

NUMBER OF FEMALES HOUSED AT ALDERSTON

Senator SPECTER. How many women who have been convicted in the District are housed in West Virginia?

Mr. HOLLAND. It's approximately 200 women.

Senator SPECTER. And how many of those in jail today are sentenced as opposed to the number who are waiting trial?

Mr. HOLLAND. We have 118 females that are sentenced and 154 waiting trial.

Senator SPECTER. Those are in detention in your facility today?

Mr. HOLLAND. Yes, sir.

NUMBER OF MALES INCARCERATED

Senator SPECTER. And how many males are sentenced and how many males are awaiting trial?

Mr. HOLLAND. There are 994 that are sentenced and 930 males awaiting trial.

MAXIMUM SENTENCE

Senator SPECTER. And what is the maximum sentence of anybody who is incarcerated in your institution?

Mr. HOLLAND. I don't understand, sir.

Senator SPECTER. The longest sentence.

Mr. HOLLAND. In the detention facility?

Senator SPECTER. Yes.

Mr. HOLLAND. In that facility you only have misdemeanants that serve their sentence there.

Senator SPECTER. So what's that, 2 years?

Mr. HOLLAND. That's 1 year or less.

CONFINEMENT OF THOSE WITH LONG SENTENCES

Senator SPECTER. And where are the people confined who have been sentenced to, say, 10 years for armed robbery?

Mr. HOLLAND. They are sentenced in Correctional Services.

Mr. FREEMAN. We have six facilities that are located in Lorton. Today we have 2,895 sentenced.

Senator SPECTER. You have six facilities?

Mr. FREEMAN. That is correct, Mr. Chairman.

INMATES AT LORTON COMPLEX

Senator SPECTER. And what is the total number who are so incarcerated?

Mr. FREEMAN. 2,895.

Senator SPECTER. Where are those six facilities located?

Mr. FREEMAN. At Lorton, Va., approximately 20 miles south of the District of Columbia.

Senator SPECTER. When you say six facilities, what do you mean by six facilities?

Mr. FREEMAN. Six separate and distinct facilities: We have a maximum security facility, a medium security facility, a minimum security facility, two youth centers that house those persons who have been convicted under the Youth Corrections Act.

Senator SPECTER. Is that all in one——

Mr. FREEMAN. No; these are separate facilities; each is approximately 1 mile apart from the other. Each has its own separate and distinct administrative body.

STATUS OF COURT LITIGATION

Senator SPECTER. Mr. Palmer, it appears in recent years that the Department has added facilities and resources only in response to a court order.

What is the status of that, the litigation and the court order at the present time?

Mr. PALMER. We have pending before the U.S. District Court several cases that we have in settlement; we also have a request before the Court that we are going to expand by 800 to 900 to decrease the overcrowding at the——

Senator SPECTER. Has the Court concluded that the facilities are insufficient and require additions?

Mr. PALMER. Yes, sir.

Senator SPECTER. Have they concluded that there is cruel and unusual punishment there?

Mr. PALMER. Yes, sir. We asked for an extension so that we could double cell that facility as a detention facility while we make other arrangements.

REDUCTION OF INCARCERATED PERSONS

Senator SPECTER. How do you propose to reduce the number of incarcerated individuals in 1984 by 270 in light of the increase in the number of prosecutions and convictions which are coming out of the court system.

Mr. GOLIGHTLY. Senator, an objective of the Department is to explore a variety of alternatives to incarceration. This is the premise on which the reduction in the budget is based. Work is ongoing right now, on a variety of things, such as third-party custody programs, consideration of capping legislation, and a whole myriad of alternatives that we are looking at.

And hopefully the population can be brought under better control by utilizing them.

Senator SPECTER. Do you think that's realistic?

Mr. GOLIGHTLY. I don't know, sir.

INSUFFICIENT TEACHERS AT LORTON YOUTH CENTER

Senator SPECTER. The GAO recently looked at the effect on the operations as a result of the 1981 reduction-in-force, and one consequence was an insufficient number of teachers in the youth center at Lorton, resulting in students being put on a waiting list for the academic school.

Has that situation been corrected?

Mr. GOLIGHTLY. I defer to Mr. Freeman on that one.

Mr. FREEMAN. We presently have one teacher vacancy at the youth center, Mr. Chairman.

Senator SPECTER. Are all those students who wish to be in school in school?

Mr. FREEMAN. No; they are not. We do have a waiting list.

Senator SPECTER. How long is the waiting list?

Mr. FREEMAN. The average on the waiting list is 45 days.

Senator SPECTER. And what are the ages of the students who are on the waiting list?

Mr. FREEMAN. The average age at the youth center is 22.

Senator SPECTER. The average age at the youth center is 22?

Mr. FREEMAN. That is correct, Mr. Chairman.

Senator SPECTER. What is the youngest that people are confined there?

Mr. FREEMAN. The youngest is 17. Less than half a dozen people who are 17. Very rarely do we get anyone who is less than 18 years of age.

Senator SPECTER. Isn't that a very serious situation when people want to have some educational opportunity and there is an insufficient number of teachers there to give them that opportunity?

Mr. FREEMAN. It does pose a problem. We rely very heavily on volunteer teachers to assist us with that overload.

Senator SPECTER. One of the grave problems in the whole situation on recidivism is that we turn people out who are functional illiterates without a trade or a skill and then we are surprised when they are back in the criminal system. If we do not even maintain an educational approach for those who want it, how do we have any chance at all of providing any meaningful rehabilitation to those people?

Mr. FREEMAN. The waiting list, as I said earlier, is approximately 45 days. We do provide services in education to each person who makes a conscientious effort to participate in a program. It may not be provided by one of the hired teachers; we do depend upon volunteers, and we do have other staff who provide educational services.

Senator SPECTER. Do you think the educational facilities are adequate?

Mr. FREEMAN. Yes, I do.

EDUCATIONAL FACILITIES AT LORTON YOUTH CENTER

Senator SPECTER. What sort of facilities are there, what can people learn? Are there any vocational training facilities?

Mr. FREEMAN. Yes; we have adult basic education through a bachelor of arts or a bachelor of science degree. That is a contractual arrangement with the University of the District of Columbia.

Senator SPECTER. How about vocational training?

Mr. FREEMAN. Vocational training, yes, we have barbering, automotive services, automotive engine repair, culinary arts, welding, plumbing, carpentry, and building trades—we cover a wide spectrum.

DRUG PROBLEM AT LORTON

Senator SPECTER. What is the status of the drug problem in the institution, Mr. Palmer? I note that an article in the Washington Post disclosed that 46 percent of inmates said that they had used marijuana and 18 percent had used other drugs while in prison.

Can you give us an explanation as to how the inmates get those drugs?

Mr. PALMER. Mr. Chairman, we have an ongoing investigation at the detention facilities as well as one currently at the correctional facility.

Senator SPECTER. You say you have an ongoing investigation?

Mr. PALMER. Yes, sir, we do, we have one in progress right now.

Senator SPECTER. How long has it been ongoing?

Mr. PALMER. I assumed this position on January 3, 1983, so I know for a fact that it has been going on since January.

Senator SPECTER. When do you anticipate concluding it?

Mr. PALMER. Mr. Chairman, I anticipate some prosecution and some arrests shortly.

Senator SPECTER. Is there any way really to stop drugs from being smuggled into the prison?

Mr. PALMER. I have put in print to all of the institutions a signed document that states that anyone who comes into the institution that we catch, such as visitors coming in, that we will bar them from the institutions. The only way they can be allowed to come back to the institutions is through an appeal to me, and we are going to refer them to the proper authorities for prosecution.

That is my order. I intend to fully enforce that, sir.

Senator SPECTER. I would appreciate it if you would inform the subcommittee of the results of that investigation when it is completed.

Mr. PALMER. We will.

SUBMITTED QUESTIONS

Senator SPECTER. I have some questions which I will submit for responses for the record.

[The following questions were not asked at the hearing but were submitted for response for the record:]

QUESTIONS SUBMITTED BY SENATOR SPECTER

METROPOLITAN POLICE DEPARTMENT

SENATOR SPECTER:
1. Chief Turner the 1984 budget proposes closing the Police and Fire Clinic. How many police officers are treated at that clinic annually?

CHIEF TURNER:
1. In averaging clinic utilization totals for Fiscal Years 1981 and and 1982, the number of uniformed members from the Metropolitan Police Department, D. C. Fire Department, U. S. Park Police and U. S. Secret Service utilizing the Clinic at least once annually is 4,705. The average number of MPD members treated at the clinic at least once annually is approximately 2,764. These combined agency utilization totals translate into approximately 23,939 annual treatment visits at the Police and Fire Clinic.

SENATOR SPECTER:
2. Do you believe that the quality of care will be the same at D. C. General?

CHIEF TURNER:
2. It is difficult to assess or presume the quality of care that would be provided to police officers at D. C. General Hospital. Principally because no information or treatment history is available that can accurately evaluate the unique health care needs of uniformed members as a total force ever utilizing D. C. General as a treatment facility. However, my primary concern regarding any transfer or closing of the Clinic is that a commensurate level of health care services will be maintained regardless of any change in operational responsibility and that members will receive the highest quality of care, and be returned to duty as quickly as possible.

SENATOR SPECTER:
3. Would this closure, in your opinion, cause a morale problem?

CHIEF TURNER:
3. It is my opinion that closing the Police and Fire Clinic will not cause a morale problem if a commensurate and comprehensive health care program is maintained and efficiently dispensed to members from a compatible facility.

SENATOR SPECTER:
4. Another new item in the MPD budget in 1984 is the Citizens Complaint Review Board. As we understand it the Board's mandate is to investigate citizen complaints about police action. Chief, is it appropriate to have this agency under the MPD? If not where should it be located?

CHIEF TURNER:
4. No. The Board by Statute (D. C. Code Sec. 4-901-911) is designed to function independent of the Metropolitan Police Department. The current method of funding (Intra-District transfer of funds to a third agency) attempts to insure that independence. The Mayor's Office and the Budget Office are currently considering the appropriate location for the agency in Fiscal Year 1985 and the future.

SENATOR SPECTER:
1. Schedule 4 of the budget shows a nearly 50 percent increase in overtime. Please provide the details leading to this request?

CHIEF TURNER:
1. Actual overtime expenses for Fiscal Year 1983 are expected to cost $4,000,000. A supplemental request is being prepared to cover the difference between the Fiscal Year 1983 budgeted amount ($2,965,800) and the actual requirement. The Fiscal Year 1984 overtime request is 8% more than the Fiscal 1983 requirement. The 7% pay raise requested for Fiscal Year 1984 plus an additional 1% projected for within-grade increases or a total of 8%, has been added to the Fiscal Year 1983 requirement to arrive at the Fiscal Year 1984 budget request of $4,320,000.00.

SENATOR SPECTER:
2. The same schedule indicates a 90 percent decrease in professional services, fees and contracts. Please explain.

CHIEF TURNER:
2. The reduction referred to amounts to $671,400. This is the cost of professional medical services contracted by the Police and Fire Clinic. Inasmuch as the Fiscal Year 1984 budget request proposes to eliminate the Police and Fire Clinic, there will no longer be a requirement for contracted professional medical services.

SENATOR SPECTER:
3. Last year the committee included an additional Federal sum of $525,000 to purchase 210 portable radios. Have these been procured and how many are proposed to be purchased in fiscal year 1984? Will this keep pace with the normal rate of attrition of these radios?

CHIEF TURNER:
3. We have purchased 904 portable radios in Fiscal Year 1983. Of these, 210 were purchased from additional funds provided by the committee. These new radios are expected to last at least seven years. There are no funds in the Fiscal Year 1984 budget for portable radios. We will maintain a number of old portable radios in reserve to serve as backup for any radios that may be lost through attrition. However, we expect very little if any attrition on the new radios until they have seen their useful life of approximately seven years.

SENATOR SPECTER:
4. During the recent snowstorm how did the MPD deal with the necessity to continue to perform routine police patrols?

CHIEF TURNER:

4. The snowstorm did not cause any unusual problems for the Department in its efforts to perform routine police patrol. However, our primary concern was addressing those traditional problems associated with city snowstorms that have caused slower response time and a high number of traffic accidents. Overtime costs were used to keep communications personnel at headquarters to work double shifts for handling the increased number of incoming calls.

SENATOR SPECTER:

5. Efforts to raise funds privately to purchase bullet-proof vests were given a boost when the District Council included $250,000, one half the amount required to purchase 3,000 vests, in the MPD budget. When these vests are purchased, will officers be required to wear them or will it be optional? Is this type of equipment generally accepted by police officers.

CHIEF TURNER:

5. A general order will be published that will require all officers and officials with street assignments in the Field Operations Bureau to wear bullet-proof vests. The publication of this order will coincide with the issuance of the vests. The union is in agreement with this order that wearing the vests be made mandatory. Major police departments throughout the country, such as Los Angeles, New York and Philadelphia have all issued bullet-proof vests. The officers have been generally receptive to wearing soft body armour for their protection.

SENATOR SPECTER:

6. Chief, last year you testified that 7 detectives were added to the Robbery Branch and that studies were on-going to determine the manpower needs in the other Criminal Investigations Division. Have these studies resulted in the addition of manpower to other branches?

CHIEF TURNER:

6. In addition to our study of the Robbery Branch which reflected a need for 7 additional detectives, we also conducted a study of the Sex Offense Branch which was ongoing at that time. The study concluded that the Sex Branch did not require additional manpower. Homicide and Special Investigation Branches have not been studied to date due to pressing manpower issues within other areas of the Department which were of higher priority. However, we have detailed 18 investigators into these Branches until complete studies can be finalized.

SENATOR SPECTER:

7. Please provide a table, similar to the one appearing on page 159 of last year's hearings, demonstrating the investigative manpower currently in fiscal year 1983 and the proposed levels for fiscal year 1984?

CHIEF TURNER

7. The proposed assigned levels for Fiscal Year 1984 will be determined based on workload requirements. The following table represents the manpower distribution of investigators within the Department:

FY 1982 Manpower Distribution of Investigators

	Authorized	Assigned	Detailed In
First District	35	39	-
Second District	29	28	-
Third District	36	39	-
Fourth District	21	27	-
Fifth District	23	25	-
Sixth District	13	15	-
Seventh District	20	21	-
Criminal Inves. Division	115	136	17
Youth Division	17	18	-
Special Operations	5	5	47
Training Division	3	3	-
Morals Division	58	66	51
Investigative Services	18	23	4
Field Operations (Bureau Office)	-	-	-
TOTALS*	393	445	119

Below is the manpower configuration of Detectives in the Criminal Investigations Division

Homicide Branch	32	36	9
Robbery Branch	39	33	4
Sex Offense Branch	18	19	3
Consumer Fraud	2	3	-
Burglary/Arson/Pawn	7	14	-
Check Unit	5	10	1
Auto Theft	1	3	-
Career Criminal	3	4	-
Recidivist Unit	1	2	-
Line-Up Unit	2	3	-
Fugitive Unit	4	8	-
Admin. Office (Polygraph)	1	1	-
TOTALS*	115	136	17

* Not included are Supervisory Personnel (Sergeant, Lieutenants, etc.)

Answer 7 Continued

FY 1983 Manpower Distribution of Investigators

	Authorized	Assigned	Detailed In
First District	38	37	-
Second District	29	27	-
Third District	36	35	-
Fourth District	27	26	-
Fifth District	23	19	-
Sixth District	13	10	-
Seventh District	21	21	-
Criminal Inves. Division	137	126	16
Youth Division	17	16	-
Special Operations	3	2	52
Training Division	3	2	-
Morals Division	72	71	35
Investigative Services	19	19	-
Field Operations (Bureau Office)	2	2	-
TOTALS*	440	413	103

Below is the manpower configuration of Detectives in the Criminal Investigations Division

Homicide Branch	37	32	10
Robbery Branch	36	28	1
Sex Offense Branch	19	16	3
Consumer Fraud	2	2	-
Burglary/Arson/Pawn	12	14	-
Check Unit	9	10	2
Auto Theft	3	3	-
Career Criminal	5	7	-
Recidivist Unit	2	2	-
Line-Up Unit	3	3	-
Fugitive Unit	8	8	-
Admin. Office (Polygraph)	1	1	-
TOTALS*	137	126	16

* Not included are Supervisory Personnel
(Sergeant, Lieutenants, etc.)

Answer 7 Continued

	FY 1984 Authorization
First District	38
Second District	29
Third District	36
Fourth District	27
Fifth District	23
Sixth District	13
Seventh District	21
Criminal Inves. Division	137
Youth Division	17
Special Operations	3
Training Division	3
Morals Division	72
Investigative Services	19
Field Operations (Bureau Office)	2
TOTALS*	440

* Not included are Supervisory Personnel (Sergeant, Lieutenants, etc.)

POLICE AND FIRE FIGHTERS' RETIREMENT SYSTEM

SENATOR SPECTER:
1. The Fiscal Year 1984 budget request is an increase of $15,889,200 over the 1983 amount of $84,967,000. Give us some detail on the need for this increase?

MR. HIGGINS:
1. The amount appropriated for FY 1983, $84,967,000, consisted of: $267,000 payment to the fund for the FY 1981 shortfall; and $84,700,000 FY 1983 District contribution to the fund. The FY 1984 budget request is $98,200,000.

The required District payments to the funds are determined in accordance with Section 142 of Public Law 96-122 enacted by Congress. For the Police Officers' and Fire Fighters' Retirement Fund the required District payments for FY 83 and FY 84 were determined as follows:

	FY 1983	FY 1984
Net pay-as-you-go-cost	$77,000,000	$89,300,000
Amortization	7,700,000	8,900,000
Total required payment	$84,700,000	$98,200,000

The $13,500,000 increase in the required payment is due to several factors. First, under the method required to be used, the required contribution automatically increases each year to reflect the increase in the excess of projected benefit payments over projected employee contributions. The valuation which determined a required contribution of $98.2 Million for FY 1984 has also determined a required payment of $107.1 Million for FY 1985, an $8.9 increase. An additional element of the increase is that the projection of the net pay-as-you-go cost for FY 1983 was understated primarily because of data deficiencies and also because of deviations of actual experience from that projected according to the actuarial assumptions used in the valuation.

SENATOR SPECTER:
2. What is the unfunded liability in the Police and Fire retirement system?

MR. HIGGINS:
2. Based upon the actuarial valuation as of October 1, 1982, for the Police Officers' and Fire Fighters' Retirement Fund, the Board's actuary determined that the projected unfunded actuarial liability as of September 30, 1983 is $1,770,800,000.

JUDGES' RETIREMENT SYSTEM

SENATOR SPECTER:
1. Under the Judges' retirement system how many annuitants are expected in Fiscal Year 1984?

MR. HIGGINS:
1. The Judges' retirement rolls are projected to include 26 retired judges and 4 survivors during FY 1984.

SENATOR SPECTER:
2. What is the unfunded liability?

MR. HIGGINS:
2. Based upon the actuarial valuation as of October 1, 1981, for the Judges' Retirement Fund, the Board's actuary determined that the projected unfunded actuarial liability as of September 30, 1983 is $14,400,000.

COURT OF APPEALS

SENATOR SPECTER:
1. The District Council added $56,100 to the Mayor's request for the Court of Appeals. What were the specific items increased?

CHIEF JUDGE NEWMAN:
1. The specific item increases recommended by the District Council are:

Supplies and Materials		
10% inflation for 1983		$1,850
Communications		
10% inflation for 1983		1,900
Other Services and Supplies		
10% inflation for 1983	$21,460	
Computer Software & Microfiche Maintenance	16,300	
		37,760
Equipment and Equipment Rental		
10% inflation for 1983		14,540
Total Increase Recommended		$56,050

SENATOR SPECTER:

2. In addition the Courts request was $14,100 more than allowed by the Council. What items were not approved?

CHIEF JUDGE NEWMAN:

2. The Court's request is $46,450 in addition to the District Council recommendation.

Supplies and Materials		
10% inflation for 1984	$2,050	
microfiche supplies	4,000	
		$6,050
Communications		
10% inflation for 1984	$2,100	
Financial Management System Charges	1,100	
		3,200
Other Services and Supplies		
10% inflation for 1984		23,640
Equipment and Equipment Rental		
10% inflation for 1984		13,560
Total Increase Requested		$46,450

SENATOR SPECTER:

3. Judge Newman, last year you told us of your efforts and frustration in dealing with the Courts backlog of pending cases. Can you update us on the status of this matter.

CHIEF JUDGE NEWMAN:

3. Despite the fact that the Court's concerted efforts produced substantially more dispositions in 1982 than in any previous year, the pending caseload grew as a result of a continuation of the large number of filings, which remained higher than dispositions.

SENATOR SPECTER:
4. Judge, you requested capital funds, which were denied, to provide additional space for additional judges. Do you expect to seek authorizing legislation this year? How long thereafter would you expect new judges to be appointed?

CHIEF JUDGE NEWMAN:
4. The legislative package submitted to the Senate "Government Efficiency and the District of Columbia Committee" includes a request for seven (7) additional Superior Court judges and a request to amend the D.C. Code to "increase appellate judicial resources as needed." We anticipate hearings and early action on our package. Once the authorizing legislation is passed, we estimate that it would take approximately six months for new judges to be appointed (30 days for the D.C. Nominating Commission, 60 days for Presidential selection, and up to three months for Senate confirmation and assumption of office).

SENATOR SPECTER:
5. At the hearing you provided the worst (longest time) cases from filing to disposition. Could you provide a frequency distribution for last years decisions.

CHIEF JUDGE NEWMAN:

DISTRICT OF COLUMBIA COURT OF APPEALS
CASES DECIDED BY PUBLISHED AND UNPUBLISHED OPINIONS
1982
FREQUENCY DISTRIBUTION
NOTICE OF APPEAL TO DECISION

Number of Days	Number of Cases	Percent
0 - 182 (to 1/2 year)	1	.1%
183 - 365 (1/2 - 1 year)	132	17.1%
366 - 547 (1 - 1 1/2 years)	357	46.4%
548 - 730 (1 1/2 - 2 years)	164	21.3%
731 - 913 (2 - 2 1/2 years)	83	10.8%
914 - 1,095 (2 1/2 - 3 years)	19	2.5%
1,096+ (3+ years)	14	1.8%
	770	100.0%

SUPERIOR COURT

SENATOR SPECTER:
1. The budget as submitted is $1,188,300 less than the Court's request. What items were deleted? Also include a description of the Council increases over the Mayor's recommendation.

CHIEF JUDGE MOULTRIE:
1. The City actually is recommending an appropriation level for the Superior Court in fiscal year 1984 that is $2,438,300 less than the Court is requesting. This amount is a combination of the $1,188,300 plus $1,250,000 (the City's figure) for the October 1983/fiscal year 1984 pay increase -- an item not contained in the Court's request. Once the cost of this pay increase is known in

fiscal year 1984 the Court is planning to seek funding in the fiscal year 1984 supplemental budget request. It should be noted that the City's recommended funding level of $1,250,000 for the fiscal year 1984 pay increase is $291,800 less than the $1,541,800 the Court calculates to be the cost of the projected salary and related benefit increases.

The following are the requested items not supported by the City:

	Pos.	Amount
Deputy Director of Personnel	1	$ 42,800
Courtroom Support Staffing	5	99,800
File Control & Docket Support Staffing	7	129,500
Retired Judges' Support Staff	4	110,200
Clerk of the Court Staffing	3	106,600
Statistical Analyst	1	30,400
Social Services Division Positions	2	48,500
Expanded Title IV-D Program Staffing	4	113,200
F.Y. 83-7% Pay Base Increase	...	261,500
Reallocations	...	421,700
Overtime Pay	...	78,800
Supplies and Materials	...	67,500
Printing and Reproduction	...	61,600
Postage	...	9,000
Service Maintenance	...	43,900
Equipment and Furniture	...	80,000
Training	...	25,000
Witness and Juror Fees	...	563,800
Open Shelf Filing	...	5,000
Screening and Diversion Program	...	20,600
Computer Hardware and Software	...	90,000
Local Travel, Mental Retardation	...	23,900
Interpreter Service	...	5,000
Sub-Totals	27	$2,438,300
F.Y. '84 Pay Increase (Difference between the Court's and City's projections)	...	+291,800
	27	$2,730,100

The City Council supported the following items which the Mayor did not initially endorse:

	Pos.	Amount
Violent Crime Compensation Staffing	2	$ 37,400
File Control & Docket Support Staffing	3	59,100
Social Services Division Positions	3	52,300
Current Title IV-D Program Funding	...	215,800
TOTALS	8	$364,800

SENATOR SPECTER:

2. Last year the court increased its fees in several areas. Has this had any impact on the number of actions filed? What has been the total increase in fees revenue coming to the court?

CHIEF JUDGE MOULTRIE:
2. Apparently, when the fees were increased there was no substantial impact on the number of actions filed. The number of cases filed in the last several years in which fees are required have remained relatively constant. However, the increase in fees revenue for the one year period April 1, 1982 (effective date of the increase) to March 31, 1983 was $1,615,232. (Incidentally, if a person does not have the financial means to pay for filing costs in a civil matter, he may request the Judge-in-Chambers to waive such costs and, of course, there are no filing fees in criminal cases.)

SENATOR SPECTER:
3. Part of the Court's budget submission included a request for 2 positions in support of the District's victims of violent crime compensation program. Why does the Court require staff support for this program?

CHIEF JUDGE MOULTRIE:
3. Under the Victims of Violent Crime Compensation Act, every person who is convicted of either a felony or misdemeanor crime is required to pay a fee ranging from $10.00 to $500.00. The Court is required to prepare the necessary papers, place the information in the Court jackets, collect the fees in the proper finance office, forward all copies of the court order to the Department of Employment Service and maintain an accounting of all transactions. When payment is made by the defendant the finance office must locate the copy of the court order, validate two copies, send one validated copy to D.O.E.S. and one to the Criminal Division. Weekly, funds collected under this Act are transferred to the Department of Employment Service. Each month a report must be prepared listing payments received and costs assessed separately for felonies and misdemeanors. It requires a minimum of two persons to perform these statutory duties.

SENATOR SPECTER:
4. A total of 5 clerk positions are asked for additional courtroom support. What is the need for these additional personnel? Is the use of hearing commissioners in any way related?

CHIEF JUDGE MOULTRIE:
4. When the fiscal year 1984 budget was prepared, the Superior Court did not yet have the hearing commissioners but was already in need of at least 5 clerk positions in order to meet the increasing work load. At the present time, file room staff have to be frequently detailed to courtroom duty, which only causes delays and breakdowns in other areas such as recordkeeping, calendaring and other related functions.

With the addition of hearing commissioners who are holding hearings in two and sometimes three courtrooms, additional courtroom help must be provided from an already acutely short area of court support.

SENATOR SPECTER:
5. In the Office of the Clerk of the Court an analyst position is requested in the research, evaluation and special projects to bridge the gap between research and data processing solutions. Would it be possible to train existing staff in this area?

CHIEF JUDGE MOULTRIE:
5. It is not possible to train existing personnel in this unit in the data processing skills required to function in this new position. (Certain basic skills and aptitudes are required.) It is also absolutely necessary for the existing staff to perform the duties for which they were hired in their current positions.

SENATOR SPECTER:
6. In the social service division 2 community workers and 3 probation clerks are asked. What additional services would you be able to provide the Court for adult, as well as juvenile offenders?

CHIEF JUDGE MOULTRIE:
6. The two community workers would be utilized to offer community services as a program alternative for juveniles, and to bolster existing community service programs for adults. The Division does not now have the capability of formally operating a community services program for juveniles as a dispositional alternative for judges. Consequently, youthful offenders have missed the opportunity for constructive social learning, and the community has not benefited from the provision of needed services which a community service program for juveniles would provide. The addition of the two community workers would enable the Division to offer much-needed community services to deserving youth, needy adults and an eager judiciary.

Since 1976, the diagnostic caseload of the Social Services Division has risen by more than 50 percent. This increase includes adult presentence reports, juvenile social studies, and other special investigations. During this same period, the overall supervision caseload of the Division has risen by over 20 percent. These increases have placed tremendous paperwork burdens on the operational efficiency of probation teams in each Branch. Consequently, three additional probation clerks are needed to support probation team operations in the face of continually increasing workloads.

SENATOR SPECTER:
7. During fiscal year 1982 it appears that most reprogrammings with the Court were from personnel related object classes to other than personal services object classes. How has this affected the court's ability to fill position vacancies and other operations?

CHIEF JUDGE MOULTRIE:
7. In fiscal year 1982 the court realized that in order to meet mandatory expenses (e.g., witness and juror fees) and basic operating costs (e.g., supplies and telephones) it would have to reprogram obligating authority into these object classes. By keeping positions vacant for longer periods than the Court can afford to maintain, we were able to generate funds from the only available source of unused obligation authority. The resulting reduced staffing condition adversely affected the Court's ability to operate but there was no other alternative.

SENATOR SPECTER:
8. The budget request asked $5,000 to provide interpreter services of court proceedings. How are these services now provided and would this amount be sufficient to allow the availability of these services in all Divisions of the court?

CHIEF JUDGE MOULTRIE:
8. Except for indigent criminal cases in which interpreter services are provided for under the Criminal Justice Act program, the Court has not been provided with funding to pay for interpreter services. In most civil action cases it is assumed that the litigants have the means for obtaining interpreter service when needed. However, there are instances in various court proceedings (e.g., Landlord and Tenant and Small Claims cases) where litigants of insufficient means are considerably handicapped in obtaining "due process" because of language or hearing impairment barriers. The Court feels that $5,000 would be sufficient to underwrite the initial cost of these services.

SENATOR SPECTER:
9. The Committee on Government Affairs is considering many revisions to the justice system of the District. Our suggestion is for additional judicial manpower, what preparations are underway in the event that additional judges are authorized.

CHIEF JUDGE MOULTRIE:
9. The Court has set in motion, through the fiscal year 1984 and 1985 capital budget requests, the mechanics which would provide for the renovation of office space to construct chambers and courtrooms for seven additional judges.

Once enabling legislation is assured, the Court is ready to submit for Congressional approval, an operating budget request which will fund salaries and equipment for the judges and their staffs and provide for the necessary ongoing financing.

COURT SYSTEM

SENATOR SPECTER:
1. The Committee understands that after the council enacted the budget it was learned that an amount was deleted from the court system budget. What is the affect of this action?

MR. POLANSKY:
1. Final Council action on the Court System's fiscal year 1984 budget eliminated $95,900 from the personal services budget base. Since the bulk of the positions funded in the Court System's personal services budget are court reporter positions which serve the Superior Court directly and the Court of Appeals indirectly by their preparation of transcripts, it is obvious that we would have to reduce the number of court reporters in an already understaffed unit. Therefore, this action will dramatically affect the ability of the Superior Court and the Court of Appeals to fulfill their daily responsibilities.

Without court reporters, courtrooms cannot operate; without transcripts, the Court of Appeals cannot review cases.

SENATOR SPECTER:
2. Last year the Committee included funds to hire a training officer for the Courts. Has this been done and how is the position proceeding with a training program?

MR. POLANSKY:
2. We are currently screening the final applicants and expect to have our new Training Officer on board by the end of June.

Because this position is very critical, a nationwide search has been conducted to obtain the best possible candidate that the level of pay can attract. In the meantime, we have continued to provide the best possible educational offerings using in-house staff members performing the instructor's role.

SENATOR SPECTER:
3. The Courts requested $6,083,400 for other services and charges, object class 40, and the city's budget allowed $392,400 less than this amount. Where are those reductions to be made? What are your current estimates in these areas?

MR. POLANSKY:
3. While the Court is seeking $6,083,400 for other services and charges, the City is supporting only $5,692,900 -- $391,500 below our projected need. Practically all of this difference is funding for the Criminal Justice Act program where payments are prescribed and required by statute. In fiscal year 1983, the City has supported reprogramming and supplemental funding for a total Criminal Justice Act program funding level of $5,822,300. Yet, in the fiscal year 1984, the City is recommending only $5,614,000 against a need estimated by the Court to be $5,997,400.

SENATOR SPECTER:
4. For fiscal year 1983 a recommended $1,242,300 increase is included. Is this the entire increase requested? Please give us a breakdown of these funds?

MR. POLANSKY:
4. For fiscal year 1983, the City initially recommended increasing the Criminal Justice Act program by $1,200,000 and providing $42,300 more for personal services. Now, while the City still supports the $42,300, it has agreed to finance $1,672,000 more for the Criminal Justice Act program -- $922,300 through a supplemental request and $749,700 by reprogramming. (The latest projections, however, indicate a need for $1,847,100.)

The D.C. Court System is seeking the following increased obligation authority in fiscal year 1983:

Criminal Justice Act program	$1,847,100
F.Y. '83 - 7% Pay Increase Balance	64,600
Executive Officer - 4% Pay Raise	2,200
Total	$1,913,900

SENATOR SPECTER:
5. It appears from the budget submitted by the Court System that the Mayor is recommending a reduction in funds available under the Criminal Justice Act Program Fees. Please explain this and include your current estimate of the amount necessary for this program in fiscal year 1983 and 1984?

MR. POLANSKY:
5. While the Mayor and City Council are not recommending reduction in funds available under the Criminal Justice Act program they are not fully supporting the increases sought by the Court System for this statutory program.

	Criminal Justice Act Program	
	F.Y. 1983	F.Y. 1984
Need Projected by the Courts	$5,997,400	$5,997,400*
Level Supported by City	5,822,300	5,614,000**
Difference	$ 175,100	$ 383,400

* Our latest experience seems to point to an even higher rate of spending than was projected when we calculated this figure over a year ago.

** Note that this is even less than was supported for fiscal year 1983.

SENATOR SPECTER:
6. Schedule 9 notes that a Director and staff assistant for the Criminal Defense Assignment Unit are needed. The Committee thought we had approved this unit and staff last year. If so, why does it appear as an add on again this year, if they were not hired, why not and what happened to the money?

MR. POLANSKY:
6. Neither the Mayor, City Council nor the Congress supported funding the Director and staff assistant positions for the Criminal Defense Assignment Unit during the fiscal year 1983 budget cycle. The Courts will continue to be unable to implement the Criminal Justice Act Plan until these positions and their funding are approved.

OFFICE OF THE CORPORATION COUNSEL

SENATOR SPECTER:
1. Please provide a table detailing the breakdown of staff by Division, section and type of position, such as attorney, paralegal, support, etc. Please do this for the 150 positions funded and the 165 authorized. Include fiscal years 1982, 1983, and the 1984 plan.

MS. ROGERS:

1.	FY 1982		FY 1983		FY 1984	
NON-DIVISION	Auth.	Funded	Auth.	Funded	Auth.	Funded
Legal	5	5	4	3	4	3
Administrative	4	4	6	5	6	5
Clerical	11	11	10	7	10	7
SUBTOTALS	20	20	20	15	20	15
APPELLATE DIVISION						
Legal	7	7	7	6	7	7
Clerical	3	3	3	3	3	3
SUBTOTALS	10	10	10	9	10	10
CIVIL DIVISION						
Legal	1	1	1	1	1	1
Clerical	1	1	1	1	1	1

	FY 1982		FY 1983		FY 1984	
NON-DIVISION	Auth.	Funded	Auth.	Funded	Auth.	Funded
General Litigation						
Legal	20	20	23	22	23	22
Investigative	4	3	3	3	3	3
Clerical	9	9	12	9	12	10
Special Litigation						
Legal	10	10	8	8	8	8
Para-Legal	2	2	2	1	2	1
Investigative	1	1	1	1	1	1
Clerical	5	5	4	4	4	4
SUBTOTALS	53	52	55	50	55	51
CRIMINAL DIVISION						
Legal	4	3	1	1	1	1
Clerical	1	1	1	1	1	1
Juvenile						
Legal	17	17	17	16	17	16
Administrative	1	1	1	1	1	1
Clerical	8	8	8	8	8	8
Law Enforcement						
Legal	9	9	9	8	9	9
Clerical	6	6	6	6	6	6
SUBTOTALS	46	45	43	41	43	42
HOUSING DIVISION						
Legal	1	1	1	1	1	1
Clerical	1	1	1	1	1	1
SUBTOTALS	2	2	2	2	2	2
LEGAL COUNSEL DIV						
Legal	1	1	1	1	1	1
Clerical	1	1	1	1	1	1
Legislation & Opinions						
Legal	6	6	6	4	6	4
Paralegal	1	1	1	1	1	1
Clerical	2	2	2	2	2	2
Administrative Law						
Legal	7	7	5	4	5	4
Clerical	2	2	3	2	3	2
Environmental Affairs						
Legal	4	4	0	0	0	0
Clerical	2	2	0	0	0	0
Trade Regulation						
Legal	0	0	3	3	3	3
Clerical	0	0	1	1	1	1
Personnel & Labor						
Legal	0	0	5	5	5	5
Clerical	0	0	1	1	1	1

NON-DIVISION	FY 1982 Auth.	FY 1982 Funded	FY 1983 Auth.	FY 1983 Funded	FY 1984 Auth.	FY 1984 Funded
Taxation						
Legal	6	6	5	5	5	4
Clerical	2	2	1	1	1	1
SUBTOTALS	34	34	35	31	35	30
AGENCY TOTALS	165	163	165	148	165	150

SENATOR SPECTER:
2. During the last two fiscal years you have been implementing a management improvement report. Could you update us on the progress and accomplishments of these improvements. Are all phases now complete?

MS. ROGERS:
2. The following management study recommendations have been implemented to improve Office operation:

- Fill the Principal Deputy position.
- Develop a manual case tracking system.
- Purchase word processing equipment for text editing (1st phase).
- Purchase ADP equipment for automation of case tracking and management information.
- Develop a formal training program and manual.
- Realign certain office functions.
- Develop a revised monthly reporting system.

Budget restraints with staffing and other practical limitations mandate implementation of a number of recommendations in phases over a multi-year period. Progress is underway to implement these additional recommendations during fiscal years 1983, 1984 and 1985:

- Purchase additional word processing equipment.
- Pilot project for automation of case, matter and management information tracking, and expansion to incorporate data and workload generated by all parts of the Office.
- Administratively close all finished/backlogged cases.
- Implement centralized case filing, indexing, and maintenance system.

SENATOR SPECTER:
3. The Corporation Counsel's office has not requested an increase in personnel in several years, although resources have been reallocated among divisions. Has this affected the office ability to handle the workload? Please supply quantitative data to support your answer. Also, include your personnel request to the Mayor for fiscal year 1984.

MS. ROGERS:
3. The Office of the Corporation Counsel has not requested, as part of the budget request to Congress, additional authorized positions. However, an increase in funds in FY 1981 enabled

ten (vacant and unfunded) positions to be filled. The following table illustrates this:

	AUTHORIZED POSITIONS	AVERAGE EMPLOYMENT
FY 1984	165	150
FY 1983	165	148
FY 1982	165	152
FY 1981	165	138
FY 1980	155	133

Increasing workloads as a result of new lawsuits and claims, as well as the enactment of new laws and court decisions on municipal liability, have substantially increased our responsibilities. The Office has endeavored, with dedicated and capable staff, to meet its obligations.

SENATOR SPECTER:
4. A substantial reduction occurs in the other than personal services, particularly in the equipment areas. Please explain.

MS. ROGERS
4. The reduction is due primarily to one-time purchases of automation equipment for central storage and processing components for word and data processing. While future budget plans had included phased expansions of these systems, the largest single expenditures occurred during FY 1983.

SETTLEMENTS AND JUDGEMENTS

SENATOR SPECTER:
1. A total of $4,368,600 is requested to satisfy settlements and judgments against the District. This compares with a fiscal year 1983 appropriation of $3 million. Does the larger amount more accurately reflect recent experience?

MS. ROGERS:
1. The FY 1983 appropriation was for settlements only - it did not include judgments. Until FY 1984, judgment funds were not reflected in the District's annual appropriation budget, but were appropriated through supplemental requests. In fact, the FY 1984 request for settlements is lower than the FY 1983 appropriation, and the FY 1982 actual expenditures, as follows:

	FY 1982 Actual	FY 1983 Appropriated	FY 1984 Request
Settlements	$2,680,100	$3,000,000	$2,360,700

The balance of the FY 1984 request is $2,007,900 for judgments. This compares with actual FY 1982 expenditures, and funds projected in the District's FY 1983 Financial Plan, as follows:

	FY 1982 Actual	FY 1983 Plan	FY 1984 Request
Judgments	$1,845,500	$4,100,000	$2,007,900

SENATOR SPECTER:
2. Give us some data on the recent history of both settlements and judgments, using fiscal years 1980, 1981 and 1982.

MS. ROGERS:
2.

	Settlements	Judgments
FY 1980	$ 606,306	$2,530,871
FY 1981	568,000	1,724,279
FY 1982	2,680,121*	1,845,524
FY 1983 (to April 25, 1983)	1,290,313	1,150,653

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* D.C. Law amended in 1981 authorizes increased settlement authority so as to avoid large jury verdicts.

SENATOR SPECTER:
3. To the extent there is any increase, do you draw a correlation between the increase and the staff levels in the Corporation Counsel's Office?

MS. ROGERS:
3. Generally the District of Columbia has had to pay progressively larger amounts in settlements and judgments each year over the last ten years. While substantial increases in staff would enable more cases to go to trial, this is not a practical alternative given the costs of such increases, court backlogs, and inflationary trends. This trend is not surprising and it is likely to continue at an accelerated rate over the next several years for the following reasons:

Over the last five years the number of claims and lawsuits filed against the District has doubled. In fiscal year 1982, 1700 claims and 1200 lawsuits were filed against the District. Difficult economic times only add fuel to this trend and the numbers of claims and lawsuits filed against the District in the future are likely to be even larger.

The size of judgments experienced by defendants in all jurisdictions, particularly in cases involving serious injury, has substantially increased. Today, one reads frequently of judgments in excess of $1 million dollars. In fact, the press has recently reported on several such judgments elsewhere including one for $25 million in a burn case and $5 million in a swimming pool case. Currently, the District has numerous lawsuits against it involving very serious injury, including paraplegia and death. Unless the District has the flexibility to settle these cases for less, the District will increasingly experience multi-million dollar judgments.

Because of the nature of civil litigation procedures, there is a present backlog of approximately 2,200 lawsuits and 2,700 claims; the injuries include paraplegia, death and minor back sprains. The sheer volume of cases will undoubtedly command an increasing amount of settlement money. The alternative to settlement in most instances will be even larger judgments.

During the last ten years the law concerning District liability has substantially changed both by statute and Court decision. As a result, the District's exposure to liability has been increased, perhaps most significantly when governmental immunity for alleged intentional torts was abolished in 1973. Currently, the District's exposure to potential liability ranges from alleged medical malpractice to alleged improper police action, student injuries in our schools, inmate injuries in our correctional facilities and injuries on our streets and sidewalks. In most instances, liability and damages are resolved by a jury trial unless the case is settled out of court; there is, of course, no way to place a lid on jury verdicts in the absence of legislation.

In short, these circumstances dictate a need for a settlement fund of sufficient size to meet present demands, particularly when civil trial attorney caseloads are excessive, averaging approximately 100 cases, well in excess of reasonable levels.

PUBLIC DEFENDER SERVICE

SENATOR SPECTER

1. The Public Defender Service intends to expand service to both juvenile and adult defendants. How many cases of each does the PDS currently handle in both actual and percentage terms.

MR. CARTER:

1.

First Six Months FY 1983

	CJA Eligible/ Papered in PDS Jurisdiction	PDS Appointments	% PDS of Total
Criminal Division	7,325	658	9.0
Family Division	1,759	354	20.1
Mental Health Division	768	344	44.8
Appellate	408	57	14.0
Totals	10,260	1,413	13.8

In FY 1982, PDS handled 22% of the Family Division caseload, and 14.2% of the overall caseload. Although PDS appointments have increased by 12.7% in the first six months of FY 1983 as compared to the same time period in FY 1982, the court's caseload has increased by more than 11%. Thus, at this time we project that at year end PDS will have been appointed to between 14% and 15% of the entire court caseload.

The PDS continues to receive the most complex felony cases. In the first six months of this FY, 78.2% of its felony cases carry a maximum term of imprisonment of 15 years to life. PDS also receives between 50% and 67% of all homicide cases in Superior Court. Its staff attorneys were appointed to 64 such cases in the first six months alone. This is a significant increase. In FY 1982, the Service's total homicide caseload was 85.

SENATOR SPECTER

2. Please provide a table including a personnel breakdown by division and/or section and position title, such as attorney, para-legal, support, etc. Include data from 1982, 1983 and 1984 for both funded and authorized positions.

MR. CARTER:

2. The breakdown of PDS staff assigned by division is as follows:

Authorized Positions	FY 1982 & FY 1983*	FY 1984 Requested
Administration		
Director	1	1
Deputy Director	1	1
Executive Assistant	1	1
Personnel Director	1	1
Executive Secretary	2	2
Administrative Secretary	.75	.75
Law Clerk	1	1
Receptionists	2	2
Courier	1	1
Duplication/Supply Clerk	1	1
Subtotal	11.75	11.75
Legal Services		
Trial Division		
Trial Division Chief	1	1
Deputy Chief	1	1
Training Director	1	1
Staff Attorneys	38	43
Secretaries	8.75	9.75
Subtotal	49.75	55.75
Appellate Division		
Division Chief	1	1
Staff Attorneys	5	5
Secretaries	2	2
Subtotal	8	8
Mental Health Division		
Division Chief	1	1
Staff Attorneys	4	4
Program Developer	1	1
Office Manager	1	1
Secretary	1	1
Subtotal	8	8
Post Conviction Correctional Services		
Division Chief	1	1
Secretary	.5	.5
Subtotal	1.5	1.5
Legal Services at Childrens Center		
Staff Attorney	1	1
Secretary	1	1
Subtotal	2	2

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*Authorized positions for FY 1982 and 1983 were the same.

Authorized Positions	FY 1982 & FY 1983*	FY 1984 Requested
Appointment of Counsel Program		
Division Chief	1	1
Deputy Chief	1	1
Interview Clerk	4	4
Secretary	1	1
Statistical Assistant	1	1
Subtotal	8	8
Offender Rehabilitation Division		
Division Chief	1	1
Program Developer	5	5
Job Developer	2	2
Attorney Aide	1	1
Secretary	1	1
Subtotal	10	10
Investigations Division		
Division Chief	1	1
Coordinator, Intern Section	1	1
Investigators	8	9
Secretary	1	1
Subtotal	11	12
Grand Total	110	117

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*Authorized positions for FY 1982 and 1983 were the same.

The Service's funding for personnel is average fulltime employment. For FY 1982 that figure was 102; for FY 1983 planned 107, and FY 1984, 114.

D.C. PRETRIAL SERVICES AGENCY

SENATOR SPECTER:
1. A position authority of 48 is requested. It has been at that level since 1982, how many of these positions are funded in 1983 and 1984?

MR. BEAUDIN:
1. All authorized positions are funded in 1983 and 1984.

SENATOR SPECTER:
2. Has workload remained constant since 1982, please provide statistical data to support your answer?

MR. BEAUDIN:
2. The workload of the Pretrial Services Agency has increased since Fiscal Year 1982. Workload statistics are maintained on calendar year basis. The following comparisons between 1981 and 1982 provide insight into the magnitude of the increase:

WORKLOAD MEASURES

	1981	1982	% change
A. Interviews and Reports			
Lock-up Cases	16,458	17,109	+ 4%
Grand Jury Original Cases	296	153	-48%
Other Cases	418	387	- 7%
Citation Cases	3,602	4,260	+18%
TOTAL CASES	**21,885**	**21,909**	**+ 5%**
B. Follow-up Services			
Report-in Calls	34,847	36,152	+ 4%
Court Check-in's	16,526	18,931	+15%
Notifications Mailed	45,255	56,595	+25%
Supervision Reports	8,179	12,359	+51%
Bench Warrant Investigations	1,702	1,355	-20%

SENATOR SPECTER:
3. Please describe the types of release programs operated by PSA, how many arrests are served annually and the degree of supervision provided by each. Also include the rate of return, that is those who show up for court appearance, of each program.

MR. BEAUDIN:
3. Several release options are utilized in the District of Columbia:

Citation Release. Arrestees charged with certain misdemeanors are eligible for early release by citation from the arresting officer. Release candidates are interviewed over the telephone by the Pretrial Services Agency. Following verification of the information and approval of the release, a date to appear in court is set. Twenty-one percent of arrestees charged with criminal offenses are released on citation. The appearance rate for this group is 96%.

Personal Recognizance: Personal Recognizance is unrestricted release on a simple promise to appear, with no restrictions other than the automatic release conditions to appear as required and to stay out of trouble. Bail setting commissioners and judges use this form of release for 9% of all arrestees, and the appearance rate for this group is 95%.

Conditional Release. More restrictive than release on personal recognizance, conditional release is the single most frequently used of the release options available to the court. Typical release conditions range from weekly reporting requirements to conditions that the defendant submit to narcotics testing and treatment, observe a curfew, avoid contact with prosecution witnesses, or seek employment. Conditional release is used in 33% of the criminal caseload. The appearance rate for this group is 94%,

Third Party Custody. While technically a form of conditional release, third party custody is listed as a separate option given the fact that some of the programs providing this service are funded by the District of Columbia. Theoretically the most restrictive form of release, third party custody programs offer intensive supervision coupled with a variety of social services.

It is the policy of the Pretrial Services Agency to recommend use of these services to those higher risk categories of defendants who might otherwise be detained. Nine percent of arrestees are placed in third party custody. The appearance rate of this group is 93%.

Cash or Surety Bond. Financial conditions of release are set in 24% of the cases appearing before the court. A money bond may or may not result in the release of the accused. Once released, the court is not able to exert any control over the defendant. We do not know the appearance rate for this group.

Other. The remaining 4% of the caseload consists of defendants held without bond for a variety of reasons. Included in this category are defendants referred for forensic screening, some detained pursuant to the D.C. Preventive Detention Statute, and some wanted by probation or parole authorities or by other jurisdictions.

As I mentioned earlier, the Agency conducted 21,909 investigations during 1982. After excluding the cases dismissed by the prosecution before first appearance, release was considered in 18,909 cases. That is the universe of cases from which the above percentages were calculated.

I would be happy to answer any additional questions you might have.

DEPARTMENT OF CORRECTIONS

SENATOR SPECTER:

1. Please reconcile the apparent contradiction in the budget documents which refer to 62 new correctional officers positions and 56 additional officers. Are 62 new positions authorized but only 56 funded?

MR. PALMER:

1. The Department of Corrections has requested authorization for 62 additional correctional officer positions to cover a staffing level as required by court order at the Detention Facility. This request is annualization of an FY 1983 supplemental which provides partial year funding for the 62 positions. The amount requested will provide full funding for 56 of the positions.

SENATOR SPECTER:

2. Please provide average daily population figures for each facility operated by the District during the last 2 years and the projections for fiscal year 1984.

MR. PALMER:

2. FY 1981, 1982 and 1984 average daily population figures for each facility are as follows:

	FY 1981 Actual	FY 1982 Actual	FY 1984 Projected
Detention Services			
Detention Facility	1,434	1,760	1,835
Correctional Services:			
Central Facility	1,286	1,302	1,297
Maximum Security	429	443	450
Minimum Security	197	223	225
Youth Center #1	339	341	350
Youth Center #2	164	187	225
Occoquan #1	...	125	398
Community Services			
Community Correctional Ctrs.	244	236	290
Total, Average Daily Population	4,093	4,617	5,070

SENATOR SPECTER:

3. The Payment to the Federal Bureau of Prisons is estimated to be $20,159,400 for a projected population of 1,182. This works out to $46.59 per person per day. Provide a three year comparison of this per day cost and a breakdown of the cost differential between male and female inmates.

MR. PALMER:

3. A three year comparison of per man day cost is as follows:

	FY 1980 Actual	FY 1981 Actual	FY 1982 Actual	FY 1983 Projected
Per Man Day Cost	$35.13	$40.30	$40.06	$43.10
Halfway House	27.00	32.58	34.22	37.22

For the first quarter of FY 1983 the per man day cost for females was $48.58 and for males was $40.99. This is the most recent billing available.

SENATOR SPECTER:

4. The General Accounting Officer recently issued a report on the 1981 reduction-in-force (RIF). Among its findings was the conclusion that morale had been seriously damaged, and continues to be low, due to the handling of the RIF. What is your judgement of the current morale and what steps have been taken to improve employee relations?

MR. PALMER:

4. Employee morale has improved greatly since the FY 1981 RIF for several reasons. The on-board strength has increased from a low of approximately 1,600 during the year of the RIF to 2,014 on April 16, 1983. Correctional staff caught in the RIF were given preference once hiring was resumed. In fiscal year 1980 the Mayor negotiated a new Union (AFGE) contract to be in effect over three fiscal years, 1981 through 1983. This contract included a Department paid optical and dental plan, a one time bonus and a pay increase for each of the three years, with the third year increase to be between 6 and 8% depending on the inflation rate. The contract also includes a commitment to make every effort to avoid reductions-in-force in the future.

SENATOR SPECTER:
5. It was also noted that because of the uncertainty many of the youngest and brightest staff people left. What is the average length of service among the Department of Correctional officers and other employees?

MR. PALMER:
5. The average length of service for correctional officers is 7 years, 11 months and 29 days, for non-correctional 9 years, 11 months and 23 days.

SENATOR SPECTER:
6. It apparently took several months for the staffing levels of correctional officers to return to normal. Given the necessity for these officers did the Department request that they be exempt from the RIF?

MR. PALMER:
6. The Department of Corrections did not ask for an exemption for correctional officers. It is the agency's understanding that the regulations for a reduction-in-force, which permit "bump and retreat" rights, do not allow for such exemptions. Furthermore, over two-thirds of Corrections employees are correctional officers. Given the necessity of a substantial reduction-in-force it would be impossible to place the entire burden on administrative and program staff.

SENATOR SPECTER:
7. Also, as a result of the RIF the academic program at the youth centers at Lorton were curtailed. Have they been restored and expanded and are waiting lists still needed.

MR. PALMER:
7. At Youth Center #1, the Academic School lost two (2) teacher positions in the RIF. These positions have since been restored and filled. The program is currently operating at or near its normal capacity of 120. There is no waiting at this institution.

At Youth Center #2, no academic positions were lost in the RIF. However, the program was affected due to transfers and resignations of teaching staff. Currently, there is one (1) appropriated teacher vacancy, and two (2) Title 1, grant funded, positions have only recently been filled. As a result, the academic program at this institution is operating at about 75% of its normal capacity. There is a waiting list of 45 students. The average waiting period is forty-five days.

SENATOR SPECTER:
8. At the Central Facility in Lorton the house painting and carpentry/drywall courses were shut down as a result of the RIF. Have they been reinstated and expanded as a result of the settlement of inmate law suits?

MR. PALMER:
8. Instructors for the carpentry/drywall program were selected and entered on duty on April 3, 1983. Applications for the program are being processed and preparations are underway to start classes by June, 1983. A housepainting program was not specified in the

Twelve John Does settlement, and there are no plans at present to start such a program.

SENATOR SPECTER:
9. Does the Department keep track of how many inmates who successfully complete job training programs return to the institution and how many are employed after leaving the facility? If so, what do these figures show?

MR. PALMER:
9. At the present time, the Department does not routinely maintain records on the post-release performance of offenders according to whether or not they complete institutional job training programs. However, a study was conducted in 1982 on the effects of structured skills training programs on a sample population of 261 adult male parolees. This study disclosed the following findings:

- Of 29 inmates involved in on-the-job training in the Department Industrial Division, 72.4% were still in the Community 2 years after release.

- Of 46 inmates who participated in the work training pre-release furlough program 65.2% were still in the community 2 years after release.

- Of 57 inmates who completed the Department's work-release (half-way house) program, 51% were successful 2 years after release.

- In contrast, a group of 90 inmates who were not involved in any job training or vocational programs during confinement had only a 37.8% success rate two years after release.

- The study further disclosed that the program groups had more stable post-release employment patterns than did the control group.

An earlier study conducted in 1975 on the results of three other vocational training programs at the Central Facility disclosed that 65.4% of the participants were on active parole or had successfully completed their terms of supervision within 2 years after completion of the training. This study involved 81 parolees.

D. C. Board of Parole

SENATOR SPECTOR:
1. What is the caseload of the Board's parole officers? How does this compare to the national average and other areas of similar demographic makeup? Are you satisfied with the level of caseload and supervision provided?

MS. JUST:
1. According to the American Correctional Association, the National Caseload average is between 50-70 clients per officer.

D. C. Parole Supervision	Adult 95/1
Department of Corrections	Youth 52/1

District of Columbia Superior Court Probation	105/1
United States District Court Federal Parole and Probation	60/1

The question of satisfaction with respect to level of caseload is moot in that the Parole Supervision Unit is functioning at a fixed compliment level. The hiring freeze does not authorize the hiring of staff to handle additional cases we may receive.

SENATOR SPECTOR:
2. Last year you reported a recidivism rate of 27 percent based on revocation of parole or new convictions while on parole. What is that rate currently and what is it for those rearrested?

MS. JUST:
2. During Calendar Year 1982 there were 1,419 parole grants for adult and youth offenders. During the same period there were 450 parole revocations. Based upon this data, we reflect a revocation rate of approximately 32%.

Data with respect to the recidivism rate for those rearrested during Calendar Year 1982 are not readily available. However an analysis of the performance of offenders released to parole supervision during 1977-79 revealed a revocation rate of 38% of those offenders who sustained new arrests while under parole supervision.

D.C. NATIONAL GUARD

SENATOR SPECTER:
1. A six percent increase in the Guard Budget will permit it to provide the same level of services as currently provided. When was the last time the Guard was called up?

MG FRANKLIN:
1. The most recent federal call-up of the Guard was in support of civil authorities for the 1968 domestic distrubances. The Guard has also participated in training status to support several other events, some of them recurring. The most salient ones are: crowd control during May Day 1971, Cherry Blossom Festivals, and Presidental and Mayoral Inaugurations. We also responded in the Air Florida disaster with limited personnel and equipment.

SENATOR SPECTER:
2a. What was the Guard's role, if any, during the snow storm of February, 1983?

MG FRANKLIN:
2a. The Guard, provided seven (7) four wheel drive vehicles with fourteen (14) drivers to assist in transporting critical personnel such as Doctors and Nurses from their homes to duty stations.

SENATOR SPECTER:
2b. How long did it take from the time the Guard was called until the units began to respond?

MG FRANKLIN:
2b. Drivers were on the road within one (1) hour of the time the request was received.

SENATOR SPECTER:
3a. Recently the Guard provided cots on an emergency basis to a city shelter for the homeless. Did this much appreciated action effect your readiness, or cost you unbudgeted amounts?

MG FRANKLIN:
3a. Providing the cots had no effect on readiness and there were no associated costs.

SENATOR SPECTER:
3b. Was the equipment returned in satisfactory condition?

MG FRANKLIN:
3b. The cots were returned in servicable, but contaminated condition. Contamination consisted of blood, mucus, sputum, and vermin. However this has been used as an excellent training vehicle for a Decontamination Team at a minimal cost of approximately $300. No permanent damage to the cots were incurred.

OFFICE OF EMERGENCY PREPAREDNESS

SENATOR SPECTER:
1. What was the role if any of the OEP during the crippling snow storm of 1983?

MR. YELDELL:
1. In the District of Columbia the Department of Transportation has the primarly responsibility for implementing the emergency snow plan.

The role of the Office of Emergency Preparedness (OEP) during the crippling storm of 1983 consisted of activating and manning of the Executive Command and Communications Center on a 24 hour basis to monitor the storm activity and to notify officials of weather changes.

OEP received calls from various agencies to coordinate the procurement of transportation for the medically handicapped, persons using dialysis machines, food and shelter problems, and coordinating requests for snow removal and the spreading of chemical abrasives with the DOT.

As a result of the problems encountered during the snow storm, the District is in the process of developing a more comprehensive snow plan calling for OEP to serve as the lead agency for snow-related emergencies to insure coordination of District resources as is the case in other emergencies.

SENATOR SPECTER:
2. Is the office manned 24 hours per day, if not why not? Also, how often are the emergency communication channels

and equipment tested under simulated emergency situations? Do you coordinate with surrounding jurisdictions?

MR. YELDELL:

2. The Office of Emergency Preparedness has staff assigned to three shifts on a 24 hour basis to provide a capability for the Director, OEP and the Mayor to direct and control response forces in an emergency. The 24 hour system is composed of radio base stations, telephone switchboard, mobile and portable radio units.

The agency has a two way radio and/or landline communications capability between the Executive Command and Communications center and its Emergency Operations Center and police, fire/rescue and public works. Additionally, the system is interfaced with hospital and Fire Department dispatch, a Civilian Band CB network and an interstate network manned by the Civil Air Patrol, National Capital Wing.

The control center has a reporting capability with the broadcast media via the Emergency Broadcast System for National emergencies and another EBS system for use in local emergencies.

The Executive Command and Communications Center has telephone conferencing capability with the National Weather Service forecast office and a dedicated telephone system between all of the jurisdictions that comprise the Metropolitan Washington Area of Maryland and Virginia. This capability extends into higher levels of authority.

The systems are tested on a daily basis and have been used since January 1983 during two (2) simulated emergency situations.

Coordination is affected between the District and the surrounding jurisdictions in several types of emergency situations... during power deficiencies, major snow storms and natural gas emergency situations.

COMMISSION ON JUDICIAL DISABILITIES AND TENURE

SENATOR SPECTER:

1. What is the average workload data for the Commission?

DR. CATOE:

1. The Commission reviews approximately 23-30 complaints a year, of which approximately 8 require preliminary and in some cases extensive investigation. The Commission has not had the occasion to evaluate any sitting judges for reappointment since fiscal year 1979, but in fiscal year 1984 the Commission will begin the evaluations of a large number of judges who will be eligible for reappointment. The Commission meets once a month and additional meetings are scheduled when necessary. The Commission also meets biannually with judges of the Superior Court Liaison Committee.

SENATOR SPECTER:
2. Who are the current members and how are they appointed?

DR. CATOE:
2. Bette L. Catoe, M.D., Chairperson
Appointed by the City Council

Vincent H. Cohen, Esq., Vice Chairperson
Appointed by the President

Richard K. Lyon, Esq.
Appointed by the Mayor

Evalina P. Mitchell
Appointed by the Mayor

Hon. Barrington D. Parker
Appointed by the Chief Judge, U.S. District Court

Daniel A. Rezneck, Esq.
Appointed by the D.C. Bar

William W. Taylor, III, Esq.
Appointed by the D.C. Bar

SENATOR SPECTER:
3. How does the Commission receive its support services?

DR. CATOE:
3. The Commission retains on a contractual basis, an attorney in private practice to serve as its Special Counsel. The Special Counsel provides the Commission with legal and investigative services. On some occasions the Commission has needed additional investigative services which were provided by a retired F.B.I. agent. The Commission purchases transcripts of court proceedings from the Superior Court Court Reporters Division, and uses private court reporting companies to transcribe its hearings and depositions.

SENATOR SPECTER:
4. Are Commission members compensated for their service?

DR. CATOE:
4. Each Commission member except the Federal Judge receives the daily rate of a DS-18 ($216.56) for their attendance at Commission meetings.

JUDICIAL NOMINATION COMMISSION

SENATOR SPECTER:
1. Who are the current commission members and how are they appointed? Are they compensated for their services?

MR. ABRAMSON:
1. The current members of the Judicial Nomination Commission are myself, Frederick B. Abramson, Chairperson, a lawyer in private practice in Washington, D.C. with the law firm of Sachs, Greenebaum & Tayler; Wiley A. Branton, Dean of the Howard University School of Law; Honorable Harold H. Greene, a District Judge on the

United States District Court for the District of Columbia; John W. Hechinger, Sr., an executive of the Hechinger stores; Philip A. Lacovara, a lawyer in private practice in Washington, D.C. with the law firm of Hughes, Hubbard & Reed; William Lucy, an official of the American Federation of State, County and Municipal Employees - AFL-CIO; and Linda R. Singer, a lawyer in private practice in Washington, D.C. with the law firm of Goldfarb, Singer & Austern. I and Ms. Singer are appointees of the Board of Governors of the unified District of Columbia Bar; Messers. Branton and Lucy are appointees of the Mayor of the District of Columbia; Judge Greene is the appointee of the Chief Judge of his court; Mr. Hechinger is the appointee of the City Council of the District of Columbia; and Mr. Lacovara is the appointee of the President of the United States. These appointments are in accordance with the statute which governs the Commission, Pub. L. 93-198 (Dec. 24, 1973), as amended, D.C. Code Ann. §11-App. - 434(b)(4). Our statute also provides that members of the Commission, except for the member who is the Federal judge, be compensated at the daily equivalent for the rate provided by grade 18 of the General Schedule while actually engaged in service for the Commission.

D.C. LAW REVISION COMMISSION

SENATOR SPECTER:

1. Of the eight requested positions how many are currently filled and how many are funded positions in fiscal years 1983 and 1984?

Mr. DANZANSKY:

1. All eight positions have been filled by incumbents for the past two years and are funded for fiscal years 1983 and 1984.

SENATOR SPECTER:

2. What are the accomplishments of the Commission during the last year and its goals for the next? Do you foresee a time when the Commission will no longer be required on a full time basis?

Mr. DANZANSKY:

2. During the past year the Commission has undertaken the comprehensive revision of three major areas of the laws of the District. The Administrative Law Task Force, chaired by C. Francis Murphy, commenced a complete revision of the antiquated insurance laws of the District, beginning with a revision of the laws relating to agents and brokers. The Criminal Law Task Force, chaired by James H. Heller, undertook a revision of some 360 criminal laws that are codified outside of Title 22 of the D.C. Code, such as those pertaining to false statements and illegal practice offenses. And the Civil Law Task Force, chaired by Frank J. Whalen, Jr., until November 4, 1982, and thereafter by Alexander W. Whitaker, commenced the revision of the laws relating to the regulation and licensure of health occupations in the District.

During the next year, the Administrative Law Task Force will continue its revision of the insurance laws, including the topics of ratemaking procedures and the particular lines of insurance, such as life insurance, health insurance, and property and casualty insurance. The Criminal Law Task Force will complete its revision of the many minor offenses outside Title 22. And the

Civil Law Task Force will complete its revision of the health occupation laws and commence work on real property laws, which are the oldest in the Code, and the issue of remedies for vexatious and frivolous litigation. It will also continue the revision of the health laws by examining the laws relating to the environment and general health laws.

The revision of the laws of the District, as in any other jurisdiction, is a continuing process. The New York Law Revision Commission, upon which the D.C. Law Revision Commission was modeled, has continued to make valuable contributions to that State since 1934, and one of our neighbors, the State of Maryland, has utilized a Code Revision Commission for eleven years. The need for law revision in the District is great. The last comprehensive revision of the Code was done in 1901; consequently, the Code fails to take into account important changes and trends which have been recognized in state recodifications nationwide. In addition, numerous piecemeal amendments to the Code have rendered it disorganized and inaccessible to most people. While I would foresee a time when the revision of the District's laws would not have to be undertaken on a full time basis, I do not think we will be at that point for a number of years.

SENATOR SPECTER:

3. Please provide a Schedule A for the Commission.

MR. DANZANSKY:

3. A copy of Schedule A is provided as requested.

DISTRICT OF COLUMBIA GOVERNMENT ★ ★ ★ PERSONNEL INFORMATION – DETAIL BY POSITION

FUND (Name & Code) General (100)

AGENCY (Name & Code) D.C. Law Revision Commission (DW)

CONTROL CENTER (Name & Code) Law Revision Commission (01)

A

Position Duration, Tour of Duty	Position Title	Plan & Grade	FY 1982 Past Year Authorized		FY 1983 Current Year Authorized		FY 1984 Budget Year Requirement	
			POS	AMOUNT	POS	AMOUNT	POS	AMOUNT
	AGENCY SUMMARY							
	Appropriated							
	CFT	...	8	232,400	8	293,200	8	306,100
	WAE	...	...	63,000	...	50,000	...	50,000
	Total, Appropriated	...	8	301,600	8	343,200	8	356,100
	CONTROL CENTER DETAIL							
	Appropriated							
CFT	Director	DS-16	1	52,618	1	56,301	1	60,242
CFT	General Counsel	DS-15	1	52,618	1	56,301	1	60,130
CFT	Staff Attorney	DS-13	3	72,088	3	106,273	3	103,728
CFT	Administrative Officer	DS-12	1	24,996	1	30,113	1	33,260
CFT	Administrative Assistant	DS-09	2	30,080	2	44,212	2	48,740
WAE	Commissioners Stipends	$125. per day		63,000		50,000		50,000
	Subtotal, Appropriated		8	301,600	8	343,200	8	356,100
	Total, Control Center		8	301,600	8	343,200	8	356,100
	Total, Agency		8	301,600	8	343,200	8	356,100

OFFICE OF CRIMINAL JUSTICE PLANS AND ANALYSIS

SENATOR SPECTER

1. During fiscal year 1984 the office will administer the Civilian Complaint Review Board and the Law School Clinical Program. How were these programs administered previously? Will OCJPA only administer the programs or will it fund them as well, if so at what level?

MS. WILSON

1. The Civilian Complaint Review Board began operations during FY 1982. The funds, budgeted in the Metropolitan Police Department budget, were transferred via a purchase agreement to OCJPA to administer. The same arrangement has been followed in FY 1983 and is currently planned for FY 1984. However, the law which established the Board gave it considerable authority over its staff and operations. OCJPA has honored that authority by providing accounting and technical support only, leaving policy decisions and the administration of day to day operations to the Board and its Executive Director.

The Law School Clinical Program was first funded in FY 1983. There is $250,000 for the program in OCJPA's FY 1983 budget and the same amount in FY 1984. OCJPA will administer the program directly. Since funds were approved in December, 1982, program regulations have been developed and published in the D.C. REGISTER and a RFP has been sent to all D.C. Law Schools.

SENATOR SPECTER

2. The budget notes that you expect to lose $200,000 in Federal grant money. What do you do now that won't be done as a result?

MS. WILSON

2. The grant funds that will be lost support most of the OTPS expenses and seven of the 12 positions in the Office. Without these funds OCJPA would have to close. The additional $100,000 in personal service and $10,400 in OPTS funds in the FY 1984 budget will enable the Office to continue.

With these funds in FY 1984, in addition to administering the Law School Clinical Program, Civilian Complaint Review Board, and the Juvenile Justice and Delinquency Prevention Program, the Office will implement many of the recommendations of the D.C. Crime Commission and the Transition Task Force, particularly those that require coordination among agencies and/or the community. (As the Committee requested in its report last year, we are enclosing an interim status report on Commission recommendations.)

While I will not attempt to describe all of these recommendations, I would like to list a few to give the Committee an indication of the types of projects involved. During FY 1984 OCJPA will:

A. Develop a plan whereby other municipal agencies will respond to non-police city service emergencies to relieve police communications resources for faster crime response.

B. Revise the District's truancy laws and develop a tougher enforcement program to reduce conditions leading to delinquency.

C. Develop a community service program for certain classes of inmates that will provide tangible benefits (restitution) to the community and evaluate the results in terms of costs and recidivism.

D. Develop a significantly expanded prison industries program, particularly in service industries, e.g., computer, copier repair, that can provide D.C. Government with less costly services/goods and inmates with the means of income to support families and to pay restitution to victims; evaluate results and institute modifications, if needed.

E. Develop a criminal justice operational data center in which caseloads, resource expenditures and future trends of all criminal justice operations are routinely collected, analyzed and produced for assistance in mayoral/city administrator policy decisions.

F. Evaluate impact of mandatory sentencing law and develop recommendations for future modifications, if needed.

G. Develop a system-wide career criminal program, based on recently released national research, that would define priorities for police, prosecutorial, judicial, correctional and parole operations; evaluate results.

Loss of the $200,000 grant funds without the additional funds in the FY 1984 would mean that the above would not be done.

SENATOR SPECTER

3. Does your office regularly and routinely receive the correct data from various District agencies in order to carry out your mandate? Are you enpowered to require information that may be needed, give any instance where you have been denied information, or could not receive it in the most useful form?

MS. WILSON

3. Up until this year the Office has received operating data from agencies only on an as needed basis. However, the experience of the Crime Commission demonstrated the need for the Office to collect comprehensive data regularly in order to have the ability to project accurate caseloads and cost trends in the future and to provide the basis for evaluating specific program results. Therefore, one of the major projects that the Office will implement in FY 1984 is the development of an operational data center for which OCJPA will collect a wide range of operational data on a monthly, permanent basis. For that purpose we have recently acquired a microcomputer and will shortly develop and issue a Mayor's Memorandum requesting the monthly submission of data. We shall negotiate with those agencies that are not part of the Executive Branch for their data.

SENATOR SPECTER

4. The $300,000 in Federal Juvenile Justice Delinquency Prevention program grant funds are for continuation of juvenile diversion programs. Does this represent an increase or decrease from the

current level? How does this translate to program level, number of youth aided, and programs supported?

MS. WILSON

4. The Federal Juvenile Justice Delinquency Prevention Program funds that are projected for FY 1984 represent the same level as in previous years. The annual amount for D.C. under the formula program is $225,000. The funds may be spent over a three year period. Therefore, the variation in total amounts from year to year represents the variation in amounts carried over from previous years' awards. The size of the carry over is determined by the timing of final approval of DOJ's budget, the timing of approval of the District's application and the rate and level of subgrant spending.

The following is a listing of programs, program levels and numbers of youth aided for FY 1982 and 1983:

FY 1982 AWARD

Program Name	Amount	Youth Aided
Interagency PINS Referral Counseling Center*	$150,000	1,000
Serious Youth Offender Research on Characteristics of District Offenders	46,875	300
Juvenile Justice Advisory Group Travel/Training	11,250	N/A
Administration	16,875	N/A

*Will be incorporated in D.C. Department of Human Services budget for FY 1984.

FY 1983 AWARDS

Treatment Services for Youth on Probation (as an alternative to incarceration)	136,875	300
Automated case filing and tracking system (DHS)	50,000	2,000
Aftercare Plan for Released Offenders	10,000	300
JJAG Travel/Training	11,250	N/A
Administration	16,875	N/A

FY 1984 AWARDS

The FY 1984 plan and application have not been developed yet. The timing will depend on the schedule to be announced by the Federal Office of Juvenile Justice and Delinquency Prevention. However, a major component of that plan will be the continuation of the treatment service for youth on parole.

SUBCOMMITTEE RECESS

Senator **Specter**. All right, gentlemen, thank you very much for joining us here today. We appreciate very much your participation.

[Whereupon, at 12:10 p.m., Wednesday, April 27, the subcommittee was recessed, to reconvene at 2 p.m., April 28.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1984

THURSDAY, APRIL 28, 1983

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met at 2 p.m., in room SD-192, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

DISTRICT OF COLUMBIA

BOARD OF EDUCATION

STATEMENTS OF:

REV. DAVID H. EATON, PRESIDENT, DISTRICT OF COLUMBIA BOARD OF EDUCATION

FLORETTA D. McKENZIE, SUPERINTENDENT, DISTRICT OF COLUMBIA PUBLIC SCHOOLS

INTRODUCTION OF FIRST PANEL

Senator SPECTER. The subcommittee will come to order.

The District of Columbia Subcommittee will hear testimony from three District agencies today. The first panel of witnesses represents the public school system. And we are pleased to welcome at this time, Rev. David Eaton, president of the Board of Education; and Ms. Floretta McKenzie, Superintendent of the Public Schools.

Welcome, Reverend Eaton, we will begin with you, please.

PREPARED STATEMENT

If you will step forward, we will, as is our custom, place your full statement in the record; and we would be appreciative if you would summarize your statement, thereby leaving the maximum time for questions and answers.

[The statement follows:]

STATEMENT OF REV. DAVID H. EATON

Good afternoon, Chairman Spector and Committee members. On behalf of the Board of Education of the District of Columbia, I thank you for the opportunity to appear before you today to testify in support of our FY 1984 Budget Request.

The Board of Education's budget request can be characterized as both responsible and responsive, primarily due to the process utilized in developing it. Let me begin by describing that process.

As early as 1980, the Board of Education's Committee on Audit, Budget and Financial Oversight began moving toward a zero-base budgeting system as a means of developing a school system budget which would more effectively allocate resources to meet the needs of students in the D.C. Public Schools for the 1980's and beyond.

The zero-base budgeting process involves the re-examination of all programs by the program managers and the analysis of the effects of continuing funding at the same level, reducing the funding level, or increasing it. The school operations are broken down into functional units and the units are used as building blocks in constructing the budget. For each unit, the programs and services must be described and the costs associated with the various levels of funding must be justified.

Therefore, the budget request presently before this Subcommittee was developed according to the mandate of the Board of Education which was to scrutinize each expenditure from a zero-base perspective in order to ensure fiscal accountability. The Board of Education is the only agency I know of in the District Government to have systematically assessed and evaluated all programs and services, reviewed and ranked programs at four successive management levels, and finally put together a budget which reflected funding level priorities. I might add that during this process, the original dollar amount recommended by Management Level One was reduced twice for a total reduction of $22.8 million. The Superintendent's recommended FY 1984 Budget Request of $336.4 million, submitted to the Board of Education in August 1982, was considered to be a hold-the-line budget.

As part of its continuing effort to encourage community involvement, the Board's Finance Committee scheduled four public hearings during the month of September. Following the hearings, the Finance Committee recommended to the Board that nearly

$2 million be reprogrammed to address the concerns which had been expressed during the hearings. These concerns included the establishment of additional positions for both attendance aides and safety/community aides, and the provision of additional instructional support at the junior high school level. The adjusted budget request was forwarded to the Board of Education and approved on September 30, 1982, then transmitted to the City Council of the District of Columbia by the required submission date of October 1, 1982. The City Council, on February 22, 1983, reduced the total budget level for the D.C. Board of Education another $10 million to a budget request of $326 million.

This FY 1984 Budget Request of $326 million for the D. C. Public Schools represents approximately a 6%, or $19.4 million, increase over the FY 1983 Budget of $306.6 million. It contains no increases in approved positions, in fact, after needed program modifications are made, there is actually a decrease of 67 funded positions compared to last year.

The $19.4 million increase will be used to fund the cost of the mandatory pay adjustments negotiated through employee contracts. However, this amount is not sufficient to cover the total $22 million required for these personal service increases. Therefore, an additional $2.6 million in funds had to be redirected from other programs and services throughout the school system. The major area subject to redirection is that of other than personal services. Based on the assumption that energy costs will continue to decline, funds for fuel oil were reduced $1 million below the FY 1983 level. The remaining reductions were made in non-recurring equipment funds, such as the purchase of buses, vehicles, and equipment related to capital improvements.

Additional adjustments have resulted in some programs and services being funded below the FY 1983 effort while others, such as improvements in junior high school remedial efforts, student attendance programs and school safety and security, have been increased. One of the more critical factors the nation uses in determining the efficiency of education is test scores. The test scores for D. C. Public School students have increased for the fifth consecutive year. Third grade student scores reached the national norm in both reading and math for the first time since system-wide testing began in 1978. Sixth graders fell short of the national norm by only four months. The Competency-Based Curriculum and the Student Progress Plan, which have been implemented in elementary schools for several years now, are producing results. The secondary schools must now be targeted for improvement.

In order to undergird our improvements in obtaining the national norm, and above, on standardized tests, we are focusing on improved programs and attendance — both factors related to achievement. In order to provide an appropriate learning environment, the Board has also mandated increased support for safety and security.

The D. C. Public School System is moving aggressively to improve instructional options for all students, pre-kindergarten through twelfth grade, as well as those enrolled in adult education. One area that must be addressed is the integration of computer technology into the education system. To that end, the Board of Education approved the following policies on March 16, 1983:

1. That by the end of School Year 1983-84, student computer laboratories be established in all schools, with attention to security needs.
2. That computer literacy and software selection skills be required for all instructional personnel (teachers, supervisors and administrators) as part of the five-year certification requirement.
3. That beginning with School Year 1983-84, all new teachers would have to demonstrate computer literacy before being granted permanant tenure.
4. That every student be required to demonstrate a command of the skills that constitute computer literacy before the completion of grade nine, beginning no later than School Year 1987-88.

I need not tell you that implementing policies such as these will cost money and that we are relying on you to ensure that we receive the requested $326 million. However, in these times of fiscal austerity, we are also aware of the fact that we must tap other sources of funds. Under the leadership of Superintendent Floretta Dukes McKenzie, the D. C. Public School System has entered into several public/private partnerships resulting in a financial and in-kind investment by the private sector in the public schools of more than $2.5 million.

Finally, a major area of concern has always been the utilization of school buildings. I am pleased to report that on April 20th, the Board of Education approved proposed rulemaking to implement independent leasing authority. Following a comment period of at least thirty (30) days and approval of final rulemaking, the Board of Education will be in a position to lease excess school space — not only net leasing of entire buildings, but also joint occupancy of underutilized schools.

Rent will be determined on the basis of the fair market value and the monies collected will be set aside for the repair and maintenance of public school buildings.

The Board of Education is clearly moving in the direction of a cost effective utilization of public school buildings and grounds. In conjunction with sound financial management and creative development of addtional sources of funds, we hope to deliver quality education to all of our students in the Nation's Capital.

STATEMENT OF REV. DAVID H. EATON

Mr. EATON. Thank you very much, Mr. Chairman, and members of the committee.

On behalf of the Board of Education of the District of Columbia, I thank you for the opportunity to appear before you today to testify in support of our fiscal year 1984 budget request.

The Board of Education's budget request can be characterized as both responsible and responsive, primarily due to the process utilized in developing it. Let me begin by explaining the process.

As early as 1980 the Board of Education's Committee on Audit, Budget and Financial Oversight began moving toward a zero-base budgeting system as a means of developing a school system budget which would be more effective in allocating resources to meet the needs of students in the D.C. Public Schools for the 1980's and beyond.

The zero-base budgeting process involves the reexamination of all programs by the program managers and the analysis of the effects of continuing funding at the same level, reducing the funding level, or increasing it.

The school operations are broken down into functional units and the units are used as building blocks in constructing the budget. For each unit, the programs and services must be described and the costs associated with the various levels of funding must be justified.

Therefore, the budget request presently before this subcommittee was developed according to the mandate of the Board of Education which was to scrutinize each expenditure from a zero-base perspective in order to insure fiscal accountability.

The Board of Education is the only agency I know of in the District government to have systematically assessed and evaluated all programs and services, reviewed and ranked programs at four successive management levels, and finally, put together a budget which reflected funding level priorities.

I might add that during this process, the original dollar amount recommended by Management Level-1 was reduced twice for a total reduction of $22.8 million. The Superintendent's recommended fiscal year 1984 budget request of $336.4 million, submitted to the Board of Education in August 1982, was considered to be a hold-the-line budget.

Senator SPECTER. Reverend Eaton, the figure that I have is the Council reduced the Board's request by $10 million.

Mr. EATON. That is correct, but it was the management levels within our own school system that reduced the budget request by $22.8 million before we submitted the recommended budget of $336.4 million to the District Council.

Senator SPECTER. Before you came to the figure which you have recommended and the District reduced that beyond your internal savings?

Mr. EATON. That is correct.

In other words, before we recommended the $336.4 million, the various zero-based budgeting management levels had already reduced that figure by $22.8 million.

DECREASE IN FUNDED POSITIONS

Senator SPECTER. And this is going to require a decrease of some 67 funded positions?

Mr. EATON. The decrease in the 67 funded positions occurs because of the $10 million decrease by the Council in the Board's requested funding level. This change results in a budget request of $326 million other than the $336.4 million requested by the Board.

Senator SPECTER. And the question, of course, is: How are you able to get along without those 67 funded positions?

Mr. EATON. We'll get along and hurt. I'll get to that.

Now, the fiscal year 1984 request that was approved by the District Council was $326 million for the system. And this contains no increases in approved positions. In fact, after needed program modifications are made, there is actually a decrease of 67 funded positions, as compared to last year.

The $19.4 million increase proposed for fiscal year 1984 compared to fiscal year 1983 will be used to fund the cost of mandatory pay adjustments which have increased over 1983; this will be used to fund mandatory pay adjustments negotiated through union contracts. However, this amount is not sufficient to cover the total $22 million required for these personal services increases.

Senator SPECTER. The question that concerns me is how is the District going to get along without those 67 positions? What were those positions?

Mr. EATON. These positions will affect services in both regular and federally funded programs. The exact positions effected will depend on the federally funded levels for fiscal year 1984. But, as you know, many of the positions that we now have that are funded in chapter II, will also be described in fiscal year 1984, since a reduction of nearly $2 million is expected in this program.

COMMISSION'S STUDY ON EDUCATION

Senator SPECTER. Let me ask you a broad question which is on a lot of people's minds.

A couple of days ago the Commission reached a conclusion about the inadequacy of the public education system in the United States. And the first question I have is—and perhaps Ms. McKenzie would like to comment on it as well——

Ms. McKENZIE. Yes?

Senator SPECTER. Do you agree with their conclusions, and to what extent, if at all, do those conclusions apply to the District of Columbia school system?

I heard on the radio this morning that Maryland was different, that Maryland did not have functional illiterates, a general disclaimer from the State of Maryland that the report is nonapplicable for Maryland.

DISTRICT'S PROGRAMS TO ELIMINATE ILLITERACY

Does it apply to the District of Columbia?

Ms. McKENZIE. Senator Specter, with respect to the National Report on the Condition of Education, the items or the issues that were raised as to problems of weakness are problems that most school districts have recognized as problems.

We have made substantial gains in trying to wipe out illiteracy. But we do still have some problems.

For example, over the last 5 years our test scores have risen. In 1980 the Board raised the graduation requirements from 17½ credits to 20½; that's very much in line with what the report had suggested.

We have moved to strengthen the standards for elementary education. The report suggested strengthening standards.

We've reinstituted a requirement for a foreign language. We've upped the math and science requirements.

These issues that the Commission on Excellence pinpointed were issues that most educators, communities, and boards have recognized. We are moving toward addressing the issues that were highlighted in the report.

IMPROVEMENT IN TEST SCORES

Senator SPECTER. I note that the test scores have improved for the fifth consecutive year at the elementary school level. Could you expand upon that a little bit, as to what that means?

Ms. McKENZIE. The school district instituted a competency-based curriculum outlining objectives for each grade level that students are to learn. The students are not passed from one grade to another until they have learned these objectives. The criterion reference tests are tests we use to measure these objectives. Additionally, our Board requires that we have standardized tests that are normed on the national population.

Our school district, not unlike other school districts, had been in a tailspin up until the last 5 years when we put in this structured curriculum. We are now seeing an upward move in the achievement of our students. To improve the achievement of the students is, of course, our ultimate goal.

Senator SPECTER. I see.

Mr. EATON. I would like, Mr. Chairman, to make one comment concerning this report from the Commission. I agree with that report. I think it is not only an indictment of the public school system, it is also an indictment of school systems throughout the country, including some private schools.

If you closely scrutinize the report and some of its recommendations, it is clearly an indictment of the type of permissiveness that we've allowed in the culture that has no direct relationship to economic class or ethnic or racial background, nor whether you're in the suburb or city.

The fact is, the country as a whole has not given education a high priority as have other technological countries. And I think this is what we're grappling with.

PRIORITY GIVEN EDUCATION

Senator SPECTER. What kind of a priority would you like to see given to education?

If you were establishing priorities in the city, and in Congress, what would you do?

Mr. EATON. At this particular juncture in history, I would put education as first priority and national defense second.

Senator SPECTER. And what would that mean in terms of the allocation of funding? How much would you like to see in the District of Columbia school budget?

Mr. EATON. If I had my druthers, knowing the process by which we came up with the budget, I would suggest the original submission that we made to the District Council.

However, there are some other things that have to be considered as well.

Senator SPECTER. You're talking about $336.4 million?

Mr. EATON. That is correct. We're dealing with a tight budget, as is.

Senator SPECTER. What would you give for defense?

Mr. EATON. Excuse me?

Senator SPECTER. You haven't covered the defense budget?

Mr. EATON. The District of Columbia has about nine police forces but none of them are armed as such. [Laughter.]

I understand the seriousness of your question, however, given the austere budget that the Council and the Mayor are facing, I think the Board of Education, the District Council, and the Mayor have worked out a very realistic budget. We take no exceptions to that process. We will go into deliberations again next year for the next budget, but we will not appeal for more than the budget recommended by the Mayor and the District Council.

Senator SPECTER. You are, of course, independent?

Mr. EATON. That is correct.

SELECTION OF BOARD MEMBERS AND SUPERINTENDENT

Senator SPECTER. The Board is. How is the Board selected?

Mr. EATON. The Board is elected by the citizens of the District of Columbia; each of the eight wards has one representative and we represent the District at large.

Senator SPECTER. And the Superintendent, Ms. McKenzie, you are appointed by the Board?

Ms. MCKENZIE. Yes; I am appointed by the Board of Education.

Senator Specter. You really are independent, but you have no taxing power?

Mr. Eaton. That is correct.

DRUG PROBLEM IN THE SCHOOLS

Senator Specter. The Washington Post carried two articles last Friday which have an impact on the operations of the school board; the District government released figures last week which showed drug addiction at an all time high in the schools, the negative aspect; and this follows information that undercover police officers arrested several high school students on drug charges.

I'd like to know what your sense of the situation is, the drug problem in the schools; how bad is it; what are you doing about it; what more can be done about it?

Mr. Eaton. I would like to answer from a community perspective and I'll have Ms. McKenzie respond from the administrative-management side.

I was born and raised in Washington, D.C., and I've seen a dramatic change in the 50 years that I have lived here. I lived in a sector of the District, 16th and V Sts. NW., that is approximately a block and a half away from the drug center, at 14th and U Sts., NW.

I've seen the area go through many changes, including the burnings of the District after the assassination of Dr. Martin Luther King, Jr. to the white flight that took place in the years prior to that in terms of movement into the suburbs. And one of the things I've noticed is that the persons who intend to make Washington, D.C., their family base, all races and ethnic backgrounds, deplore the drug traffic. We have done everything in our communities to rid ourselves of the drug traffic. Oftentimes, we have had some cooperation with the police department.

When I reported to the Board of Education approximately 1½ years ago and conferred with the Superintendent, I was pleased to know that the school system worked hand-in-glove with the police department in locating the level of drugs in the public schools, which resulted in ridding ourselves of that problem.

The public school system has been working hand-in-glove with the police department in terms of undercover agents working in our schools.

As far as my understanding, our problem in the school system is not as bad as some other school districts such as New York, Houston, Texas, and Los Angeles. We have found that we can rid ourselves of the drug problem, as we have with cancer. There is an extensive drug education program in our schools. The community organizations are very supportive of the drug education programs and the type of police department cooperation that we've had in our public schools through undercover agents.

Senator Specter. How can we do better?

Ms. McKenzie. Reverend Eaton discussed many of the points that I had planned to mention.

We feel very strongly that our schools must be drug-free and that is why we have permitted and supported undercover agents in the schools to weed out anyone who transports and traffics drugs in school buildings. We have a K-through-12 drug prevention education curriculum. Furthermore, prospective teachers take a test on drug abuse before they are admitted into the school district.

IMPROVEMENT IN DRUG PROBLEM

Senator SPECTER. How would you compare the problem now to, say, last year or the year before?

Ms. MCKENZIE. From our perspective in the schools, the problem has declined.

RATIONALE FOR RENTAL EXPENDITURE

Senator SPECTER. Let me shift gears.

I see an item on the budget for $486,400 which is a proposal to rent space, including executive offices downtown. And the question has arisen which some members of the committee are concerned about as to that expenditure. There is apparently space available within school buildings.

Could you give me the rationale for that expenditure?

Mr. EATON. Yes; there are two people that I should have introduced. They are Mr. David Hall, who is an elected member of the Board of Education from ward 2 and also the Chairman of our Finance Committee and Mrs. Wanda Washburn, an elected member from ward 3, and Chairman of our Student Relations and Community Relations.

First, when I campaigned for the Board of Education, I was eager to know why the Board was in the Presidential Building and had this plush location. During the campaign, I was amazed at what I found. The Board is paying $5.50 per square foot in an area of the District where most of the rents are as high as $30 per square foot.

The reason was that the lease was cut many years ago and it depended upon the District government having another municipal building. The lease runs until 1991.

It would be economically unfeasible for the Board to move because we would spend more money. This year, however, we are putting together efforts to locate a public school where the Board and the Administration might be housed effectively.

Senator SPECTER. You're saying there's a preexisting lease?

Mr. EATON. Yes.

Senator SPECTER. So it's not something you are proposing now; it's something you have to do that somebody else signed into a long time ago?

Mr. EATON. Yes.

Senator SPECTER. When was the lease signed?

Mr. EATON. I do not know when it was signed but I know it expires in 1991. It was a 20-year lease.

Senator SPECTER. I see. Until it expires you don't intend to spend that kind of money any more?

Mr. EATON. Oh, no. I would like to get the record straight. We are spending $5.50 per square foot in an area where the going rate is now $30.

Senator SPECTER. But even at $5.50 you could do it less expensively in your own building?

Mr. EATON. That is correct, but it would take approximately $5 million to move and renovate. We will be making that request to the District government in our projected fiscal requests.

FIVE-YEAR EDUCATION PLAN

Senator SPECTER. Ms. McKenzie, your opening statement refers to the 5-year education plan. Could you tell us more about that? What are your goals for attendance, test scores, and other aspects of that plan?

Ms. MCKENZIE. Yes.

Senator SPECTER. I want to commend you for projecting ahead 5 years. I'm very much interested to know what you see in the future?

Ms. MCKENZIE. We have developed a draft for a 5-year plan and also developed yearly targets to determine if we are where we expected to be, and hope to see achievements in the attendance.

Attendance presently is one of our major goals, and we have seen an increase already in the number of students attending school.

We also have goals with respect to staff retraining, goals with respect to facilities, particularly in working through leasing and clustering students for the best programs possible.

A major goal continues to be the development of management efforts that would be cost-effective.

We are not only working to improve the instructional side of the school district, but we are also working to improve the way we are managing the school district.

SOLVING THE TRUANCY AND ATTENDANCE PROBLEM

Senator SPECTER. You talked about attendance. Truancy is a major problem everywhere, and I know your system has made some major advances. That's something Mayor Barry and I have discussed as to children in the school system, earlier this year.

What progress have you made on truancy, and what more could be done on that as a major factor in cutting down juvenile crime?

Ms. MCKENZIE. We have done several things. But I think the most important thing we have done is to bring the community into the problem so as to get them involved in the solution.

We have a volunteer program where parents call other parents when students are absent. Additionally, the Board adopted a plan this year for us to have attendance aides, particularly in the secondary schools.

Our objective is to call the student on the day of absence, and not 2 or 3 days later.

Last year our average attendance figure for the system was about 87.4 percent. The average attendance nationally for urban school districts is 85 percent.

When we looked at the figures for January at the end of the first semester, we found that we were presently at 89.2 percent on attendance and we hope to get 90 percent systemwide.

I would like to say that improvement has been most significant in the secondary schools, including our career development centers.

It does appear that, although we do have an evaluation study on the effectiveness of attendance aides, that has been one of the most effective things that we have done.

ASSISTING PRISON SYSTEM WITH TEACHERS

Senator SPECTER. Let me ask a question which is really somewhat off the track here, but a matter of concern arising out of hearings yesterday on the prison system.

I was concerned to learn that there are waiting lists for schooling within the District of Columbia prison system.

The question arises in my mind as to whether the Board of Education might do anything to assist the prison system in educating some of those in detention?

Ms. MCKENZIE. We have always, and even more so in recent years, had a very cooperative relationship; in fact, we loaned the Department of Human Services, the agency which runs those schools, a principal in the middle of the year. Also, we work on staff training.

Now, as we understand it, Cedar Knolls is going to be discontinued and the students put into group homes. We are working on planning to receive those students, and we would expect that with the reduction of the population in the residential placement, that that should ease their problem.

But we are always very pleased to work with them to support their efforts.

Senator SPECTER. Well, could I make a request of you? Ms. McKenzie, would you mind contacting Mr. Palmer, the Director of the Department of Corrections, and see if there's anything more that might be done along that line?

A key concern that I have in both juvenile and adult crime is the pattern that I find that we release a great many functional illiterates without a trade or a skill and it's no surprise when they are back in the crime cycle.

And my sense is that the facilities available are poor. They testified yesterday about the court order with a finding of cruel and unusual punishment in the custodial facilities; and then with the aspect about the lack of education, I think that is something that perhaps there could be some more interaction on.

Ms. MCKENZIE. We'd be glad to.

We have started conversations with a number of the agencies to see how we can smooth that transition from juvenile facilities back to school. And I hope that you've noted that a number of programs that we have expanded and developed within the school district are those having to do with developing skills for jobs. So we are trying to deliver more reality-based kind of educational programs.

Senator SPECTER. That's very, very good.

SUBMITTED QUESTIONS

Reverend Eaton, and Ms. McKenzie, I want to thank you very much for coming today. We very much appreciate your testimony. There may be some more followup lines that we will want to inquire on, on some of the details in the budget to be answered for the record. Thank you very much.

[The following questions were not asked at the hearing but were submitted for response for the record:]

QUESTIONS SUBMITTED BY SENATOR SPECTER

UNIVERSITY OF THE DISTRICT OF COLUMBIA

SENATOR SPECTER:
1. Dr. Alexander, the budget assumes that the University can raise additional nonappropriated revenue of over $2 million to fund needs not covered by the budget request. What are the alternatives to do this and what steps have been taken? What happens if you fall short?

DR. ALEXANDER:
1. The assumption in the budget request is not only that additional nonappropriated funds could be raised, but that reserves of tuition revenue would also have to be utilized.

Since Fiscal Year 1981 the University, by an act of the District of Columbia's City Council, has been able to retain the tuition revenue as a part of its operating budget. Because of intensified collection efforts there was a surplus of revenue collected in Fiscal Year 1982. This revenue was earmarked at that time to support the University's Self-Study which will prepare the University for a reaccreditation visit in the Fall of 1984, by the Middle States Association of colleges and Schools. Additionally, a part of the revenue was to be used to prepare for first time accreditation of the School of Business and Public Management and for some programs in the School of Physical Science, Engineering and Technology. Concurrent with the preparation for accreditation, the University cannot plan within a one year budget cycle. To be effective and sensitive to the changing needs as dictated by technological advances,there was developed a long range master plan which made certain budget assumptions. Unless the University is allowed the freedom of use of some of its revenue for development, it will fall way behind in its ability to stay abreast of its mission.

SENATOR SPECTER:
2. Give us a priority list of these unfunded needs. Are there others which might be anticipated?

DR. ALEXANDER:
2. The list of unfunded needs addressed in the budget document would necessarily have change because of the assumptions that the University made about carryover funds in the tuition account being dedicated to the self-study and accreditation efforts. The priority list is as follows:

1.	Self-Study and accreditation........	$2,000,000
2.	Equipment Replacement..............	752,400
3.	Student Grant-in-Aid................	210,000
4.	Inflation...........................	1,331,300
5.	Cooperative Extension Services......	184,900
6.	Brooks Mansion......................	47,500
7.	Publication Office..................	228,800
8.	D.C. Street Academy.................	208,000
	Total.........................	$4,962,900

The number one priority for the University is its ability to withstand the reaccreditation visit by the Middle States in the Fall of

1984. As you are aware, accreditation is the life blood of any University. The second priority for equipment replacement is also directly tied into the same need. There are stringent requirements for keeping abreast of the current state of the art in equipment, supplies etc. when a visitation team assesses an institution for accreditation. The Student Grant-in-Aid would strenghten our delivery of support to students. The other items on the list while essential,do not fall into the category of mandated need.

SENATOR SPECTER:
3. In addition, increases in tuition and the use of endowment reserve funds will offset another $2.4 million in needed funds. What is the impact on endowment programs and tuitions?

DR. ALEXANDER:
3. The Board of Trustees is currently reviewing the need for tuition adjustments at the University. A model is being developed to be used as a long range guide by which to make decisions about tuition increases. With the current funding pattern of appropriations, the University must use the nonappropriated funding base totally to support the daily operations. Any increase in tuition or investment income from the endowment would likewise be committed. However, it must be kept in mind that, as stated in the answer to question number one, the University must have some freedom to utilize some portion of the nonappropriated revenues to devote to continued development. This will ensure that UDC remains viable in the arena of constant changing technology. The University must be able to periodically redefine its mission and make the required shifts to continue to adequately service students and have them remain competitive in the job market.

Educational Institution Licensure Commission

Senator Specter:

1. The Commission has assumed responsibility for monitoring and licensing proprietary schools with no increase in staff, using temporary personnel. Is this adequate to discharge that responsibility?

Chairman Quander:

1. YES. The Commission by law has assumed responsibility for monitoring and licensing proprietary schools. However, there is no current review of the educational quality of these schools. Department of Licenses, Investigations, and Inspections (DLI&I) and The Educational Institution Licensure Commission (EILC) have agreed on a procedure for EILC to assume these licensing functions by 1985. We will be developing the plans and procedures to give proper notice to all schools and ensuring that new regulations will be implemented. Temporary personnel will be able to handle the planning, and procedural development, and for the time being the temporary personnel will be adequate.

Senator Specter:

1a. Is it the way the Department of Licenses, Investigations, and Inspections did it?

Chairman Quander:

1a. The Department of Licenses, Investigations, and Inspections will continue to issue licenses until 1985. DLI&I currently operates the process through a clerk who receives the applications, checks off on the list of requirements, collects the license fee and issues the license. There is no review of the actual institution for academic quality or authenticity. Once the Commission assumes the complete responsibility the proprietary schools will receive a complete review.

Advisory committees are being established to ensure proprietary schools will have input in the policy making process.

Senator Specter:

2. Where will these temporary employees be drawn from?

Chairman Quander:

2. The temporary employees will be selected from the D. C. Government Employment Register and through other appropriate employment notices and referrals.

Senator Specter:

2a. What will be their length of service?

Chairman Quander:

2a. The length of service will be ninety (90) days to thirteen (13) months based on their qualifications and their ability to perform the duties of the job.

DISTRICT OF COLUMBIA PUBLIC LIBRARY

SENATOR SPECTER:
1. Last year the Committee included funds to keep the Martin Luther King main library open on Sundays. Is this included in the 1984 budget?

DR. FRANKLIN:
1. The $70,000 included in the FY 1983 budget to open the Martin Luther King Memorial Library on Sundays has been retained in the FY 1984 budget.

However, based on our successful experience with Sunday openings in FY 1983, we have found that additional funding will be necessary to maintain the Sunday service through FY 1984. The large number of people visiting the Library (over a thousand on a typical Sunday), the large numbers of books to be checked out and later reshelved and the unexpectedly heavy use of magazines and journals have required that we add one security officer, one periodical assistant, one circulation assistant and one page to the staffing pattern originally established. These four additional positions and the anticipated 7% salary increase for the other Sunday employees will increase our personnel costs in FY 1984 by approximately $15,000.

SENATOR SPECTER:
2. What is the amount included to purchase books? This allows no inflationary increase. What percentage increase has such purchases recently experienced and what has been the rate of increase in your budget in recent years?

DR. FRANKLIN:
2. The amount included in the FY 1984 budget for the purchase of books is $835,700, the same amount as in FY 1983.

In 1982 the average cost of a hardcover book went up 14.5% or more than twice the general inflation rate.

Since 1967 the average cost of books has gone up by 263% and magazine subscriptions have gone up over 400%. During the same period the Library's book budget has gone up only 74.6%. The current book budget represents about half the purchasing power of 1967.

There is an urgent need not only to stay even with inflation year-to-year, but to begin recovering some of the purchasing power lost over the years.

SENATOR SPECTER:
3. You also note that the budget request does not allow for the implementation of the on-line catalog and Community Information Service. Why is that and what is the fiscal year 1984 cost of implementation? What services will not be available as a result?

DR. FRANKLIN:
3. The Library's automated circulation control system was fully installed in Fiscal Year 1981 and has been functioning very well. Since that time, the Library has been concentrating on building up the data base. It now contains current information on more than 200 community service agencies (the Community Information Service) and cataloging information on almost a million books (the Online Catalog). The data base is now developed to the point that it would be very useful to the public.

Unfortunately, the public cannot gain access to it until the Library is able to install public access terminals and substantially upgrade the central processing units to support the additional terminals. The cost of implementing the Online Catalog and Community Information Service throughout the Martin Luther King Memorial Library in FY 1984 would be $270,000. Additional funds would be needed in subsequent years to extend the service to the branch libraries.

Without the Online Catalog the public will continue to be dependent on card catalogs which are less than fully accurate as a result of large backlogs in maintenance. In recent years reduced personnel budgets have required that available staff be assigned to areas of direct public service.

The Online Catalog, on the other hand, provides more accurate information about the titles owned by the Library, and for the first time provides immediate information as to the location of all copies of the title and their status. This kind of information, while of extreme practical value to every library patron, has never been available before.

SENATOR SPECTER:
4. Your request also notes that reductions in federal aid could further impact you budget. Are any such plans now apparent and to what degree?

DR. FRANKLIN:
4. Although the Administration has requested the elimination of all federal funding for library programs under the Library Services and Construction Act, the Congress has continued to support them.

Nevertheless, since a large part of the $402,900 which the D.C. Public Library receives under this program is used for essential services, prudent management dictates that funding for these services be shifted to the appropriated budget as soon as practicable.

The Young Adult Service, "The Other Place," at the Martin Luther King Memorial Library, for example, has proven so successful in its first year of operation that it is inconceivable that it could simply be dropped if federal funds were withdrawn. Participation in OCLC (Online Computer Library Center) which provides all of our basic bibliographic data through a vast national computer network is so essential to our basic operations that it would have to be continued.

In the absence of federal funds, the Library would be forced to make substantial reductions in service and staff in order to absorb the approximately $240,000 that would be required to continue the essential services now provided by LSCA.

D.C. COMMISSION ON THE ARTS AND HUMANITIES

SENATOR SPECTER:
1. The budget request for the Commission reflects a $504,000 increase of $1,386,400. This is partially offset by an anticipated reduction of $168,000. Will the requested increase mitigate the effect of this decrease?

MS. BAUTISTA:
1. The City Council did not approve the agency's original request for $1,386,400. The Council's budget mark for the Commission on the Arts and Humanities in FY 1984 is $916,400. The Council's mark does not provide any funding for the agency's proposed program expansion. The Council's approved FY 1984 budget provides an increase of $34,000 for personnel costs which consists of the following; $14.2 - annualization for one program assistant, $13.4 - FY 1984 pay adjustment costs, $4.0 - for within-grade adjustments; and $2.4 for fringe benefits.

SENATOR SPECTER:
2. The budget is a net increase of $336,000. How will these funds be allocated?

MS. BAUTISTA:

2. The City Council's approved budget mark for the agency in FY 1984 of $916,400 represents a net increase of $34,000 over the agency's FY 1983 appropriated budget to provide for increased personnel costs as detailed above.

SENATOR SPECTER:

3. The budget calls for the implementation in fiscal 1984 of the Special-Focus Grant Program. Give us some details of this new program. How much is allocated to it in 1984?

MS. BAUTISTA:

3. The approved budget mark for the agency by the City Council in FY 1984 does not provide any funding for the agency's proposed Special-Focus Grant Program.

The planned Special-Focus Grant Program had three components, Youth Training, Major Institutions, and Community Arts Downtown. Youth Training ($100,000) would have provided new funding for arts education. Major Institutions ($300,000) would have provided new funding for the city's primary arts organizations in support of their community programming. Community Arts Downtown ($100,000) would have provided new funding in support of arts organizations located in the arts corridor area of the city's Living Downtown Plan.

D.C. PUBLIC SCHOOLS

SENATOR SPECTER:

1. Rev. Eaton, last year you stated that the Student Progress Plan has faced numerous problems because of lack of finances. What is the current status and why wasn't more money allocated by the Board?

MRS. MCKENZIE:

1. In FY 1983 the Board made major efforts to provide resources to aid pupils that were impacted by the Student Progress Plan. This support came as a result of increases in our FY 1983 Budget over the FY 1982 Budget. Some of these efforts were: reducing the pupil-teacher ratio from 28:1 to 25:1 at the elementary level; providing paraprofessionals to assist teachers from the regular budget (first time in the history of the system); introducing the capacity to automate record keeping and reduce paper work pertaining to students' progress; revamping Chapter I to include computer assisted instruction in Chapter I schools; and providing additional funding for summer school.

In FY 1984, we have attempted to maintain these supports to students and teachers.

SENATOR SPECTER:

2. You also mentioned that the Board has established a School Finance Commission to develop a formula for school budget needs. Please tell us about this venture. Will this group consider sources of school funding, such as asset amount of the property tax?

MRS. MCKENZIE:

2. The Board of Education has established a School Finance Commission for the purpose of researching and developing a school finance formula. The commission is to be composed of members of the Board of Education, City Council, the Executive Branch and citizens. The Board of Education

and Council have both acted to appoint the required representatives. When the Executive Branch appoints its required representatives, the Commission will begin its work. The Commission may in its deliberations consider property taxes as a means of school funding.

SENATOR SPECTER:
3. In making a comprehensive review of all school building and equipment resources, has the Board considered the potential energy savings of using the services of an Energy Conservation Company (ECCO)? Also, how much does the Board historically spend on object class 30? Break this down by heat and water and auto fuel?

MRS. MCKENZIE:
3. The Board of Education used an energy conservation company in establishing a computer controlled energy management system at fifteen buildings which were the largest users of energy. Additionally, energy conservation companies will be consulted in the future.

The Board's anticipated expenditures for object 30 in FY 1984 are as follows:

Rental of Property	$ 233,460
Communications	1,119,956
Energy	18,978,448

Spending for energy will be distributed as follows:

Electricity	$ 8,829,723
Natural Gas	721,900
Heating Oil	8,733,925
Auto Fuel	692,900
	$18,978,448

SENATOR SPECTER:
4. Please provide a similar table for the one on page 226 of last year's hearings.

MRS. MCKENZIE:
4. The table similar to the one provided last year is as follows:

Educational Service Technical and Administrative 1/	FY 1982	FY 1983	FY 1984
ET-1A	1	1	1
ET-1B	1	1	1
ET-2A	1	1	1
ET-2B	3	3	3
ET-3	8	8	11
ET-5	10	10	12
ET-6	186	189	187
ET-7	31	32	32
ET-8	133	135	136
ET-10	53	62	62
ET-11	0	1	1
ET-12	4	4	4
ET-13	1	2	3
ET-14	1	1	1
ET-15 2/	5,778	5,886	5,798

Educational Service Administrative Clerical 3/	FY 1982	FY 1983	FY 1984
EG-15	8	11	13
EG-14	10	10	10
EG-13	26	27	33
EG-12	37	49	57
EG-11	67	79	74
EG-10	6	6	6
EG-9	89	148	156
EG-8	19	34	42
EG-7	49	63	83
EG-6	250	263	339
EG-5	97	125	142
EG-4	365	409	393
EG-3	11	16	16
EG-2	1	2	4
EG-1	0	0	1

1/ Formerly coded under the Teachers' Salary Act (TSA).

2/ Includes unfunded ET-15's of 322 for FY 1982, 173 for FY 1983 and 240 for FY 1984.

3/ Includes district schedule employees in accordance with District of Columbia Law 2-139.

SENATOR SPECTER:

5. This shows that the majority of those covered by the TSA schedule are at the highest level, TSA-15, why is that?

MRS. MCKENZIE:

5. The hierarchy of position grades under the Educational Service (formerly TSA) in Classes ET 1-15 is inverse to the numerical notation shown under the District Schedule. For example, Class ET-1A is the highest and Class ET-15 is the lowest under the Educational Service; whereas under the District Schedule, Class DS-15 is the highest grade and Class DS-01 is the lowest grade. Class ET-15 is assigned to teacher personnel who comprise the majority of our work force.

SENATOR SPECTER:

6. The Board must also provide services which are not educational in nature. Such as, security, maintenance, even testing and curriculum writing. Have you done an analysis to determine if it is cheaper to continue to perform these functions with school personnel or to contract with private firms for these services? If so, when was the most recent analysis and what did it show?

MRS. MCKENZIE:

6. A number of studies are underway, others are scheduled to be started in the near future that address this issue. In the area of building maintenance, a study is in progress and one of the initial findings is that there is a definable area of maintenance/repair work that should be contracted out. The study will be completed in August 1983 and the final recommendations will be available at that time.

A request for proposals has been issued for a study in the area of security services. Proposals have been received; however, the cost was above the amount available. Negotiations are being conducted to reduce the cost. One of the tasks to be done is to evaluate effectiveness of the service delivery and to recommend methods of increasing efficiency.

Some test scoring has been brought in-house during the current school year. Since the program is in the pilot stage, no cost analysis, as yet, has been conducted.

It should be noted that our curriculum writing needs are met by employing teachers part-time, generally in the summer.

SENATOR SPECTER:
7. A comparison of the District's per pupil expenditure with that of the surrounding jurisdictions shows that they are somewhat higher. However, in the 1979-80 school year the District had a higher per pupil expenditure than several other large city school systems nationwide.

MRS. MCKENZIE:
7. The District's per pupil expenditure during SY 1979-80 ranked fourth out of seven school districts reporting nationwide. An important factor to be considered when reviewing comparison data on a national level is the cost of living in that particular area. The District has one of the highest cost of living indexes in the country. Since per pupil expenditures include teachers' salaries, it is justifiable to expect that the District's per pupil expenditures should be high when compared to other cities nationally. During this period, the District ranked third among the Washington, D.C. metropolitan area school systems.

The per pupil expenditure for School Year 1981-82 shows the District next to the lowest when compared to the surrounding jurisdictions and ranks fifth nationally when compared to the eight large city school district. Please note the following chart for this school year.

District of Columbia Public Schools

A COMPARISON OF TOTAL SCHOOL SYSTEM EXPENDITURES PER PUPIL
FOR REGULAR BUDGET AND FEDERAL FUNDS
IN SELECTED URBAN AND LOCAL SCHOOL SYSTEMS, 1981-82

School Systems:	Estimated Expenditures Per Pupil 1/
Atlanta	$2,391
Baltimore	2,802
Boston	3,529
Cleveland	3,625
Milwaukee	3,395
San Francisco	3,433
St. Louis	2,541
Washington, D.C.	3,169

Footnote on next page.

Surrounding areas:	Estimated expenditures per pupil 1/
Alexandria	$4,275
Arlington County	3,691
Falls Church	4,236
Fairfax County	3,300
Montgomery County	3,510
Prince George's County	2,597

Source: Data secured from surveys of school systems by the Division of Quality Assurance (Research and Evaluation) and Educational Research Services, Inc.

1/ Based on average daily membership.

Prepared by
Division of Quality Assurance
(Research and Evaluation)
April 1983

SENATOR SPECTER:
8. Last year the League of Women Voters released a study that recommended that the pay of the Board of Education members be reduced and that such services not be regarded as full time. Has the Board addressed this matter and what are your comments?

MRS. MCKENZIE:
8. Although the Board did address the League of Women Voters' study in informal session and concluded that some statements made in it reflected a misrepresentation of the facts, no official action was taken since the Board has no authority to set its salary.

The D.C. Code, Section 1-612.10, provides that the rate of pay for each member of the D.C. Board of Education will be 50% of the established rate of pay for each member of the Council of the District of Columbia, with the President receiving an additional $2,500.

In addition, Section 1-612.9, provides that compensation for the Mayor and members of the Council of the District of Columbia (and, therefore, the Board of Education) shall be adjusted at the beginning of each fiscal year by the percent change in the consumer price index, given that the amount shall not exceed the average percentage salary adjustment authorized for the Career Service of the District of Columbia.

Contrary to the situation for other elected bodies, the D.C. Board of Education does not set its own salary base or its pay raises. The amounts are set by other legislative bodies and the adjustments are tied to economic indicators and/or negotiated agreements with city employees.

The amount of time a Board Member must spend in performance of duties is not delineated or stipulated.

SENATOR SPECTER:
9. It has been reported to the Committee that no school library/media center meets minimum national standards. If this is true, what are the deficiencies and how will the fiscal years 1983 and 1984 seek to correct the problem? When will all facilities meet minimum standards?

MRS. MCKENZIE:
9. The minimum national library standards of the American Library Association are 16 to 24 books per student. According to this standard, 31% of the District of Columbia Public Schools meet minimum requirements. The District of Columbia Public Schools will correct the deficiencies by school year 1986-87.

SENATOR SPECTER:
10. How are block grant funds designed to upgrade libraries used? Please be specific, how much for books, equipment; library staff; administrative staff; consultant fees, and the like.

MRS. MCKENZIE:
10. The ECIA Chapter I Program of the District of Columbia is required to provide supplemental services to its identified population in the areas of reading/language arts and mathematics. These services are given in both Chapter I resource centers and in the classroom by instructional support from paraprofessionals and parents, as well as through the provision of instructional materials. While Chapter I does recognize the use of the library as an invaluable resource for learning, unfortunately program guidelines and constraints do not allow for Chapter I funds to provide fiscal support for library projects.

During FY 1983 forty-one schools were identified as having print media deficiencies and funds were also spent in these schools exclusively for print media materials. Funds were also spent in the remaining 129 schools in specific areas of need (e.g., up-to-date science reference books, filmstrips, test taking skills multimedia kits, etc.) in order to upgrade the library service in those schools.

Additionally, approximately $185,941 in funds from ECIA Chapter II have been used to upgrade libraries as follows:

Print Media	$101,404
Equipment (Hardware)	8,835
Non-Print Media	39,760
Administrative Staff	35,942
Total	$185,941

SENATOR SPECTER:
11. What is the status of proposed legislation to allow retired teachers to substitute teach without losing their per diem pay?

MRS. MCKENZIE:
11. The legislation was rescinded. Pursuant to D.C. Code Section 31-1028, and Section 344 of the Rules of the Board of Education, the Board is authorized to set the rate(s) of pay for substitute teachers.

These provisions co-exist with the provision of the CMPA (D.C. Code Section 1-612.3 (b)), providing that the pay that would otherwise be paid to an annuitant who is re-employed shall be reduced by the amount of his or her annuity. Therefore, in order to ensure that retired D.C. teachers are able to receive an equitable daily rate of compensation, the Board, by resolution, set the rate of compensation for experienced retired D.C. teachers higher than that for other substitutes. This negated the need for the City Council to act.

SENATOR SPECTER:
12. Rev. Eaton do you believe that there will be a need for any reductions in force of teachers during the remainder of fiscal year 1983 or fiscal year 1984?

Could you explain the reasoning that was used to decide to RIF 56 teachers in fiscal year 1982, followed by the rehiring of 50 of those persons and the reprogramming at the end of the fiscal year of over $7 million in personal services funds?

MRS. MCKENZIE:
12. It is anticipated that attrition patterns for FY 1983 should allow the school to accommodate position changes due to reductions in both the appropriated and Federal budgets. The actual Federal receipts for FY 1984 will be for the major factor in determining the need or implementing a reductions-in-force.

Because of the reduction in Federal funds in 1982 and the changes in federal programs due to implementation of the Chapter II Block Grant, there was an excess of personnel heretofore chargeable to Federal grants programs. This imbalance between excess personnel and available positions necessitated the issuance of 56 RIF notices to such employees. Of the 56 employees, none were classroom teachers.

A RIF action may result in a reassignment, demotion, retirement, re-employment of former permanent employees in temporary positions as well as separation. Thus, RIF is not synonymous with separation. A person may be issued a RIF notice and action taken but not separated from the system.

Changes in positions available for placement are effected by retirements, deaths, resignations and dismissals, which occur throughout the year. Because positions were made available, 11 RIF notices were rescinded; thus only 45 persons were affected by the 1982 RIF. The RIF process resulted in the following actions:

- o 24 Reassignments - (Individuals were reassigned to positions at the same grade level but different from that in which they held permanent tenure/certification).
- o 13 Demotions - (Individuals were assigned to positions at a grade level lower than that in which they held permanent tenure/certification).
- o 2 Retirements - (Individuals elected to retire on discontinued service annuity).
- o 6 Separations - (Only six individuals were separated from the school system. Each was offered a position but declined the assignment. None of the six were teachers).

During the course of FY 1982, the Board of Education realized an excess of revenue over expenditures in the Food Services Program operated in cooperation with the U.S. Department of Agriculture. The accumulated fund balance had to be utilized within FY 1982 and solely for the food services program. In order to comply with the USDA regulations, the D.C. Public Schools made an accounting adjustment transferring $7.7 million of Food Services' personal services cost from the appropriated fund to the U.S. Department of Agriculture Grant Fund. This action constituted a reprogramming between funds.

The accounting adjustment provided a corresponding unobligated balance of $7.7 million in the appropriated personal services fund. The Board of Education implemented a one-time reprogramming between personal services and other than personal services accounts in order to meet unfunded needs related to improving the classrooms, building repairs, and office automation. These funds could not be applied to counterbalance the school system's RIF actions since they had to be expended during FY 1982 and the persons involved in the RIF were affected beginning with FY 1983.

SENATOR SPECTER:
13. As you are well aware of, the enrollment level at the public schools in the District is falling. Has the Board developed plans taking this important factor into consideration? Have plans been adopted regarding the number of teachers and staff required, and what is the status of your proposal to close two underutilized schools?

MRS. MCKENZIE:
13. Enrollment in the D.C. Public Schools has been declining since the late 1960's. However, in the last few years the decline in student population went from an annual rate of 7% in 1980 to an approximate rate of 3% decline in SY 1983. Hence, even though enrollments continue to decline, they are declining much less rapidly than in previous years. For example, total enrollment this school year was 528 students higher than projected. This slowdown in the rate of decline can be attributed to the increase in young school-age children living in the District. More importantly, it is also due to growing community confidence in the quality of education offered by the public school system and an increase in the number of children transferring from the private school sector.

To develop the FY 1984 budget request, nearly $3.6 million was removed from the proposed budget in anticipation of a decline in enrollment of 3,000 students. The cost savings from the loss of 3,000 students differs from school to school. In some schools no immediate savings will materialize because the loss in students will be spread across all grades in the school, thereby making it difficult or impossible to reduce the teaching staff. In other schools, some savings will come about because fewer teachers will be needed, but even so, the school will need the same number of custodians, a principal, and possibly an assistant principal. Also, the costs for maintenance, heating and cooling the building will remain constant. Significant savings do not necessarily coincide with declining enrollments.

Another way to see how cost savings cannot always be achieved is to look at how a household's expenses change as the household gets smaller. If it costs $6,000 to maintain a household of four, including such expenses as rent or mortgage payments, taxes, utilities, insurance and repairs, the average cost per person is $1,500. However, if one member of the household leaves to get married or go to college, household costs will not go down by $1,500. In fact, expenses may not go down at all because the number of people living in the household may have little or no effect on these maintenance costs.

The administration is continuously evaluating the utilization of facilities and space. Excess space in school facilities will be available for joint occupancy by other District agencies and non-profit organizations. Maximum utilization of facilities and space will be given a top priority in the context of city wide facilities planning.

14a. Mrs. McKenzie, at last year's hearing before this committee, you stated that your attrition rate of senior high school students had fallen to 4 percent. Could you update the committee on the status of the rate this year?

14b. Mrs. McKenzie, I have noticed from your budget justifications that your pupil-teacher ratio has fallen at all three levels of education (elementary, junior and senior high). How does your ratio compare to the other local jurisdictions?

14c. What is the approximate ratio of teachers to administrative staff in the public schools of the District? How does this rate compare to other local jurisdictions?

MRS. MCKENZIE:
14a. The attrition rate of senior high school students for the school year 1981-82 was 2.1%.

14b.

School System		Elementary		Secondary
Montgomery	(K)	22.9:1	Middle/	
County	(1-6)	25.5:1	Junior	25.0:1 1/
			Senior	24.3:1 1/
Falls Church		23:1	(6-8)	25:1
			Academic	20:1
			Vocational	15:1
Fairfax	(1-3)	24:1	(7-8)	22.5:1
County	(4-6)	28:1	(9-12)	22.7:1
Alexandria City		24.3:1		22:1
Arlington County		24.5:1		19.5:1
District of Columbia		25:1	(7-9)	26:1 1/
			Vocational	18:1
			(10-12)	26:1 1/
			Vocational	18:1
Prince George's County		30.8:1		24:1 2/

1/ Academic subjects.
2/ Special Education excluded.

14c.

School System	Ratio of Teachers to Administrators
Alexandria City	13.3:1
Arlington County	11.1:1
Falls Church City	11.1:1
District of Columbia	10.1:1
Fairfax County	10.1:1
Montgomery County	9.3:1
Prince George's County	7.6:1

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

STATEMENT OF JAMES CLAY, DIRECTOR

ACCOMPANIED BY:

SIDNEY GLEE, ADMINISTRATOR, PROPERTY MANAGEMENT ADMINISTRATION
ROBERT POHLMAN, COMPTROLLER
SHARON GILLIAM, BUDGET OFFICER

INTRODUCTION OF SECOND PANEL

Senator SPECTER. I would like to call the second panel, Mr. James Clay, Director, Department of Housing and Community Development; and Mr. Sidney Glee, Administrator, Property Management Administration.

Welcome, Mr. Clay. I ask you to introduce all those who are present, please?

Mr. CLAY. Thank you, Mr. Chairman.

In addition to Mr. Glee, accompanying me is Sharon Gilliam, the budget officer; Robert Pohlman, the comptroller; and I will note that the Chairperson of the Committee on Housing and Economic Development for the District, Charlene Drew Jarvis, is also in the audience.

BUDGET REQUEST

I would briefly summarize for you the Department of Housing and Community Development's appropriated budget request for fiscal year 1984.

In fiscal year 1984, $19,376,500 and 216 positions are being requested. This is a decrease from fiscal year 1983 of $1,162,600 and two positions.

The major programs which will be funded by this budget include the home purchase assistance program at $2,826,600, which will provide downpayment assistance for 353 units; a rehabilitation financing program at $2,500,000, which will provide for the rehabilitation of 100 units; and the land and building acquisition program at $1,000,000 to acquire properties for rehabilitation.

PREPARED STATEMENT

Senator SPECTER. We have your statement. That will be made a part of the record.

[The statement follows:]

STATEMENT OF JAMES E. CLAY

I will briefly summarize for you the Department of Housing and Community Development's appropriated budget request for Fiscal Year 1984. In FY 1984 $19,376,500 and 216 positions are being requested. This is a decrease from FY 1983 of $1,162,600 and two positions. The major programs which will be funded by this budget include the Home Purchase Assistance Program at $2,826,600 which will provide down payment assistance for 353 units; Rehabilitation Financing at $2,500,000, which will provide for the rehab of 100 units; and Land & Building Acquisition at $1,000,000 to acquire properties for rehab. In addition, funding for Low-Rent Housing is continued at a level of $5,222,500 to provide for increased energy costs which cannot be covered by Federal subsidies or rents.

More detailed descriptions of the Home Purchase Assistance, Rehabilitation Financing, and Building and Site Purchase Programs are attached to my opening statement to provide you with additional information. Also attached is a chart showing all sources and uses of funds for the Department's total operating budget in FY 1984.

I would like to comment briefly on several other matters which I understand may be of special interest to this Committee, namely Low-Rent Housing; holdback of HUD funding; and programs for the homeless.

The District of Columbia's public housing program houses 52,000 people in 12,000 units. Presently there is a waiting list of 8,500. My major commitment as Director of this Department is to provide decent housing for all public housing residents while at the same time insisting that residents pay their rent to help pay for that housing. We have included a chart with this statement that graphically demonstrates the importance of rent collections in funding Low-Rent housing. About one-third of our resources must come from rents. Therefore, we are moving on May 1 of this year to property based rent collections by on-site managers, in an all out effort to collect every dollar that is due when it is due.

On the subject of HUD holdbacks, the Washington Area Office of the U.S. Department of Housing and Urban Development has instituted several holdbacks of Federal funds granted to the Department. Under the Community Development Block Grant HUD is holding back $1,200,000 for uncleared audit findings; $4,256,000 to repay outstanding urban renewal debt; and $4,256,000 for three grant conditions - grantee management, labor standards, and financial management. All holdback issues are expected to be resolved by June 30, 1983. The District does not expect to lose any of the Federal funds held back with the possible exception of some audit disallowances where documentation may be inadequate. All holdbacks pertaining to the Low-Rent Housing Program have been removed based on progress we have made in improving our tenant income reexaminations, putting vacant units back in service, and clearing audit findings.

Finally, on the matter of programs for the homeless, we are coordinating our efforts with those of the Department of Human Services to identify funds and facilities to alleviate the problems of the homeless. We also attempt to alleviate this problem with our Low-Rent Housing and Section 8 programs to the extent possible.

This concludes my opening statement. Thank you for the opportunity to testify before your committee.

REHABILITATION FINANCING AND BUILDING AND SITE PURCHASE PROGRAM

The FY 84 budget request from the D.C. Appropriated Budget is $3,500,000 for the Rehabilitation Financing Program and the Building and Site Purchase Program. The amount request for the Rehabilitation Financing Program is $2,500,000 for Ward 8, Alabama Avenue Renaissance. The amount requested for the Building and Site Purchase Program is $1,000,000 of which $300,000 will be used to acquire properties in the Alabama Avenue Renaissance area. The remaining $700,000 will be used to acquire properties throughout the District of Columbia.

The requested $2,500,000 for the Rehabilitation Financing Program will enable the Department of Housing and Community Development (DHCD) to provide construction financing to produce approximately 75 units of condominiums and/or cooperatives for purchase by low-and-moderate-income persons. This will increase homeownership opportunities and create a stabilizing influence in Ward 8. The requested $1,000,000 for the Building and Site Purchase Program will enable DHCD to improve the existing housing stock through the correction of building code deficiencies and the return of vacant units to the housing market for ownership by low and moderate income District residents.

In FY 1983, $[illegible]400,000 was appropriated for the Rehabilitation Financing Program. To date DHCD has provided construction financing in the amount of: (a) $655,000 for the rehabilitation of 66-unit cooperative located in Ward 8 on Jasper Road, S.E.; (b) $350,000 for the rehabilitation of a 123-unit complex, located in the 3000 block of Stanton Road, S.E. and (c) $200,000 was used to establish an Imprest Fund for emergency repairs for single family properties rehabilitated under DHCD Loan and Grant Program.

In FY 1983, $1,750,000 was appropriated for the Building and Site Purchase Program. A portion of these funds have been used to acquire 80 vacant scattered site units throughout the city. The utilization of these funds in FY 1983 has enabled DHCD to provide homeownership opportunities for 54 low and moderate income families who otherwise would not be able to purchase a home. The remaining 26 units are in the process of being rehabilitated for homeowner opportunities to District residents. By providing homeownership to these families the stability of the neighborhoods has been enhanced and the tax base increased for the District. The rehabilitation of these properties also created employment opportunities for skilled and unskilled minority men and women throughout the District.

The continued utilization of these appropriated funded programs for Ward 8, Alabama Avenue Renaissance, will not only provide moderately priced homeownership units (which are currently off the market), but will also assist in retaining many middle-income residents in Ward 8, which will provide the basis for crucial economic development activities. These programs will create much needed employment opportunities for the District's unemployed. To that end, DHCD will work with private owners and developer on job training and placement as the projects move toward execution. Providing the much needed housing resources will serve as a catalyst to stimulate social services and commerical development which are highly labor intensive. These programs will also enhance the investment climate in Ward 8, which will benefit the area residents and the District.

HOME PURCHASE ASSISTANCE PROGRAM

The HPAP program provides interest-free deferred payment loans of up to $16,000 per household to assist lower-income District households to buy their homes. The loans can be used for purchase of single-family homes, condominium units, or units in cooperative developments. Income limitations for program are the same as for the Section 8 program, although the regulations allow the income limits to rise to the level of the Federal Section 235 subsidy program under some circumstances. The loans are secured by second trusts on the unit purchased. No payments are required on the loan as long as the household keeps the unit purchased as its principal residence and maintains it at code standards. The entire loan comes due if the unit is sold or transferred. The District is now considering changes in the HPAP regulations which would require small monthly repayments of principal only on the loan and would raise the income limits to the Section 235 income level.

The program was initiated in 1976, and ten loans were made at the end of that year, averaging $6,309 per loan. Funding was limited in the first two years of the program, with closings totalling 28 households in 1977 and six households in 1978.

Since 1979 the funding of the program has expanded considerably and the costs have risen along with the cost of housing and mortgage interest rates. The following chart shows the number of loans closed, average loan amount, and geographic quadrant of the city for calendar years '79, '80, 81 and 82:

	1979	1980	1981	1982
Northwest	17	86	37	49
Northeast	5	46	42	18
Southeast	3	33	43	159
Southwest	29	16	10	6
Totals	54*	181*	132*	232*
Avg. Loan	$8,148	$12,282	$14,626	$14,759**

*Households

The average household income and the cost of the units purchased is also rising in the program. While the average household income of loan recipients in the first two years of the program was $12,569 per year and the price of the average unit purchased was $31,660, household incomes in the program now frequently reach almost the maximum Section 8 limits of, for example, $21,600 for a household of four, or the 235 limits of $25,650 for a household of four. Likewise the cost of single-family units purchased in the program is rising. During calendar 1982, the average sales price of single-family units purchased was $50,146. Because of these increasing costs and because of the changing nature of the D.C. real estate market, the emphasis of the HPAP program is now shifting towards assisting purchases in multi-family buildings. During calendar 1982, for instance, 155 of the 232 households assisted under the program were households purchasing in multi-family buildings, including both households purchasing individual condominium units and groups of households purchasing shares in multi-family cooperative buildings. The average HPAP loan per household in these multi-family buildings was $9,006, as opposed to the average $14,759 for single-family HPAP loans. The average price of multi-family units purchased was also significantly lower than the single-family price, but a precise figure was unavailable at this writing because in incomplete data on rehab costs in the multi-family buildings.

Last year two new contractors were added to the program to receive and process HPAP applications for single-family loans east and west of the Anacostia River. Far East Community Services,Inc. is now under contract for areas east of the river other than those in the Alabama Avenue Renaissance area, and Frienship House is under contract for areas west of the River.

In addition, the long-term contractor for the program, D.C. Development Corporation, continues to handle loans for multi-family and multi-unit developments and is handling loans under the new Alabama Avenue Renaissance area program. Female-headed households continue to comprise approximately 55 percent of the loan recipients, as they have from the beginning of the HPAP; the percentage is somewhat higher in multi-family buildings.

Appropriated funding for the HPAP was $250,000 in Fiscal 1980 and 1981. These limited appropriated dollars were supplemented by $993,000 in Federal Urban Development Action Grant funds and Community Development Block Grant funding of $1,800,000 in Fiscal Year 1981. The Fiscal Year 1982 budget was $1,821,500 in D.C. appropriated funds and $1,500,000 in Block Grant funds for a total of $3,321,500. The Fiscal Year 1983 appropriated budget authorized by Congress includes $1,821,500 in the base for loan funds District-wide, plus $1 million for the Alabama Avenue Renaissance, Ward 8 Program.

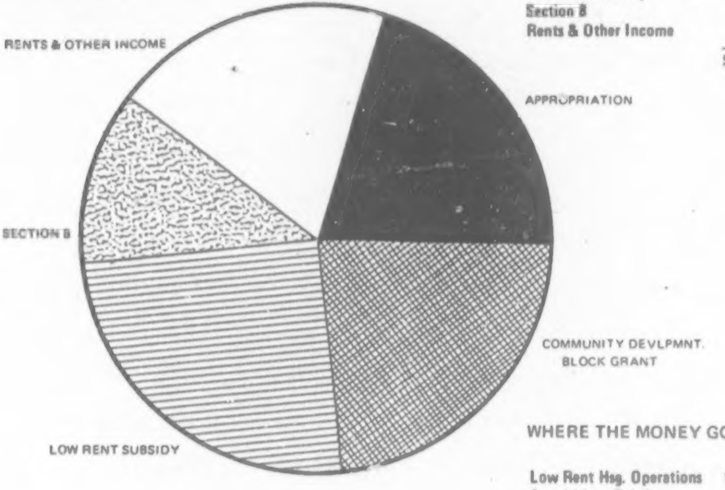
For Fiscal Year 1984, the District is again requesting $1,821,500 in appropriated HPAP funds for city-wide loans, plus $1,005,100 for loans in the Alabama Avenue Renaissance area, for a total of $2,826,600. Together with changes in the regulations where we expect to require small but regular repayments of these loans, this funding will allow the District to continue expanding and deepening its commitment to this important program, which benefits both individual citizens who might otherwise be displaced and whole neighborhoods which gradually feel the positive "ripple" effects of increasing home ownership.

Department of Housing & Community Development

March 1983

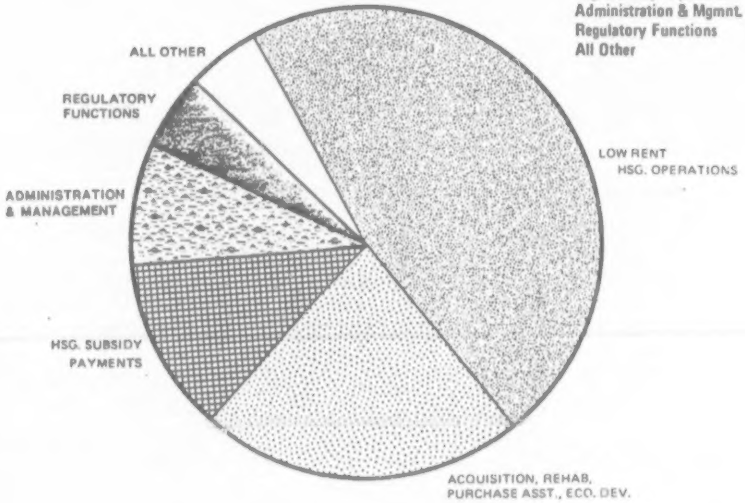
WHERE THE MONEY COMES FROM

Appropriation	$ 19,376.5	21.0%
Community Devlpmnt. Block Grant	21,281.0	23.1%
Low Rent Subsidy	23,259.9	25.2%
Section 8	10,945.0	11.9%
Rents & Other Income	17,281.0	18.8%
	$ 92,143.4	100.0%



WHERE THE MONEY GOES

Low Rent Hsg. Operations	$ 43,475.8	47.2%
Acquisition, Rehab, Purchase Asst.,Eco. Dev.	20,600.2	22.3%
Hsg. Subsidy Payments	10,945.0	11.9%
Administration & Mgmnt.	7,949.1	8.6%
Regulatory Functions	4,563.9	5.0%
All Other	4,609.4	5.0%
	$ 92,143.4	100.0%

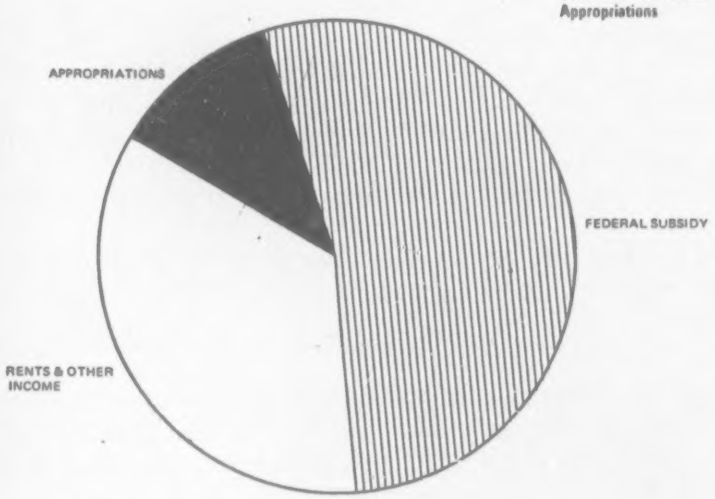


Low Rent Housing Operations

March 1983

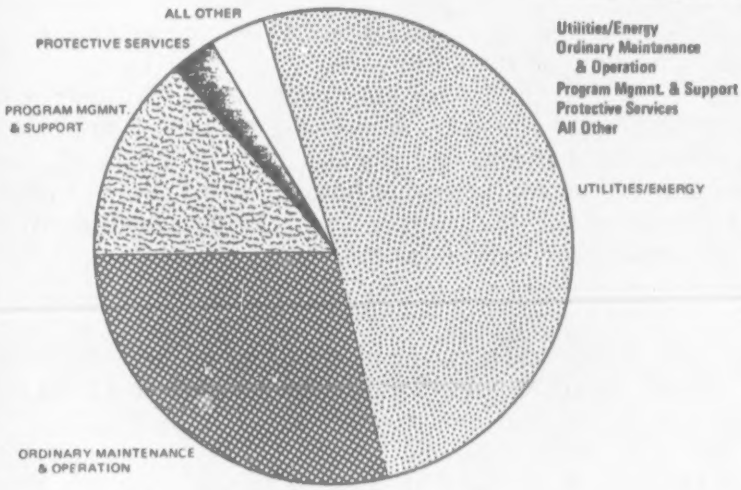
WHERE THE MONEY COMES FROM

Federal Subsidy	$ 23,259.9	53.5%
Rents & Other Income	14,993.4	34.5%
Appropriations	5,222.5	12.0%
	$ 43,475.8	100.0%



WHERE THE MONEY GOES

Utilities/Energy	$ 22,170.1	51.0%
Ordinary Maintenance & Operation	12,433.6	28.6%
Program Mgmnt. & Support	6,162.7	14.2%
Protective Services	990.4	2.3%
All Other	1,719.0	3.9%
	$ 43,475.8	100.0%



WITHHOLDING OF FUNDS BY HUD

Senator SPECTER. The Federal Department of Housing and Urban Development recently withheld $14 million of public housing funds until they were satisfied that District plans for reducing vandalism would result in improvements.

What has happened on that?

Mr. CLAY. The funds that you reference have been released by HUD, and we have submitted the appropriate documentation to draw those funds down. The holdup of the funds was related to several old audit findings; and we were recently able to satisfy HUD requirements.

Senator SPECTER. Are you satisfied that the vandalism problem is now solved?

Mr. CLAY. We have given them a plan that is being implemented, and based on the progress that we've made to date, HUD has agreed to release the funds.

PUBLIC HOUSING WAITING LISTS

Senator SPECTER. The District currently operates 12,000 units and has a waiting list purportedly of more than 8,000; how do you plan to cope with that waiting list in light of the fact that the budget request is $1.2 million down from the 1983 level?

Mr. CLAY. I think the major thing that we can do to make any dent in the waiting list is to bring back on line and rehabilitate those units that we presently have vacant; and make sure that we can accommodate as many people as possible on the waiting list.

Clearly, given the resources that we have with the 12,000 units and the number of people that we have on the waiting list, we are not going to make a significant dent in that waiting list. That, coupled with the fact that the subsidy for section 8 existing housing, which we also draw on, has been reduced for this year, we don't see making a significant or major impact in reducing the waiting list this year.

SATISFACTION WITH CURRENT BUDGET

Senator SPECTOR. Well, it's a common problem of very material problems and limited resources. And I realize that you are an appointee of the Mayor?

Mr. CLAY. That's correct.

Senator SPECTER. So that you have to submit a budget request within the constraints of the overall District budget.

Mr. CLAY. That's correct.

Senator SPECTER. To the extent that this question may be comfortably answered, are you generally satisfied with the budget request you have analyzed here today?

Mr. CLAY. Within the context of available resources, yes, I am.

USE OF ADDITIONAL RESOURCES

Senator SPECTER. If you had just a little more money what would be your first line of priority?

Mr. CLAY. My first line of priority would be to continue the efforts that we are addressing now, that is, to restore vacant units to occupancy and upgrading and maintaining the units that we have.

ASSISTING IN HOMELESS PROGRAM

Senator SPECTER. What projection do you have for the homeless population? We held a specific hearing on that and found that there's a terrific problem. What do you see on that in the future?

Mr. CLAY. Well, we are very much involved with the Commissioner of Social Services, Ms. Rowe, in terms of looking at the possible reuse of vacant buildings, such as schools that are not being used; and utilizing community development block grant money and other funds to rehabilitate those places, and to work with nonprofit groups, to use those as facilities for the homeless.

These plans I think will begin to bear some fruit in the next year or so.

BATES STREET HOUSING PROJECT

Senator SPECTER. I took a trip with Mayor Barry to the Bates Street project and that project incorporates both market rate and low-income buyers; and appears to be the type of a development that is aimed at keeping the middle class in the District.

What kind of expansion of that program can there be in an era of decline in overall budgets?

Mr. CLAY. I'm sorry, Senator, did you say Bates Street or James Creek?

Senator SPECTER. I said Bates Street.

Mr. CLAY. Bates Street. OK.

That of course was a unique project simply because the city owned a significant number of properties in a confined geographical location; and we were able to utilize the local resources and grant resources to come up with the kind of mixed income housing that you see there.

Given the market today, the unavailability of HUD subsidy for section 235 and section 8, it is unlikely that we will be able to complete a project of that magnitude for that level of income.

Senator SPECTER. How would you evaluate the success of the section 8 program on an overall national basis? I note you come from Kansas City, Mo.

Mr. CLAY. Yes, sir.

Senator SPECTER. Where are you a native of?

Mr. CLAY. I'm a native of Mississippi; I grew up in Birmingham; but I'm more of a Washingtonian than anything else. I went from Washington to Kansas City, so I'm just coming back.

EVALUATION OF SECTION 8 PROGRAM

Senator SPECTER. How do you evaluate the effectiveness of the section 8 program overall?

Mr. CLAY. I think the section 8 program was probably the most effective subsidized program in terms of actually providing housing, especially the section 8 existing program; because there you have the element of the private sector actually expanding the supply, as opposed to just building with government funds to expand public housing. The section 8 existing program involves and utilizes the existing housing stock.

Senator SPECTER. And what would you like to see done in that line in the future, if you had your preferences?

Mr. CLAY. I think if I had a preference it's much more preferable to me to have programs like the section 8 existing program expanded, than to deal with a voucher program; because I don't think the voucher program would expand the housing supply as the section 8 program does.

CONVERSION OF GREENLEAF GARDENS PROJECT

Senator SPECTER. One other subject I'd like to cover with you, Mr. Clay, and that is the Greenleaf Gardens highrise in Southwest; when I toured the District recently with Mayor Barry, back in January, he mentioned his plans included converting this building to elderly housing.

I note in the 1984 budget you ask for funds to begin design work for the project, but that construction is not expected until 1989.

That building is in very bad shape, and if nothing is done until 1989, I have some substantial question as to whether it would then be likely to be effective?

Mr. CLAY. I'm not comfortable with the 1989 budget projection. I think we have requested in 1984 design money, and that should take 1 year to 18 months. The plan after that, after vacating the building, would be to try to obtain through the Department of Housing and Urban Development, funds for the conversion of the building into an elderly highrise.

Now, it's very possible that the actual construction and occupancy of the building would not occur before late 1988 or 1989; but we would expect to be well underway with the conversion process prior to 1989.

Senator SPECTER. Sooner?

Mr. CLAY. Yes; as soon as we can identify the funds for the conversion. We have begun to empty the building now and to relocate the tenants, because the building is in such bad shape. And as soon as we can get the design work done we are going to start construction.

Senator SPECTER. Well, that pretty well covers the questions which we have. Is there anything anyone would like to add?

Mr. CLAY. No, thank you.

SUBMITTED QUESTIONS

Senator SPECTER. OK, thank you. I have some questions which I will submit for responses for the record.

[The following questions were not asked at the hearing but were submitted for response for the record:]

QUESTIONS SUBMITTED BY SENATOR SPECTER

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

SENATOR SPECTER:
1. What will the duties of the additional eight employees be?

MR. CLAY:
1. Only six new positions are being added. Following are the duties of the new positions by position title:

Records Management Officer, DS-11
Several District directives (Mayor's Order 79-235; Mayor's Order 80-235, dated October 11, 1979; Mayor's Memorandum 80-69; Mayor's Memorandum 75-55) require agency heads to establish and maintain an active continuing program for the economical and efficient management of the agency's records including the selection and protection of vital records. A Records Management Officer would have responsibility for insuring departmental compliance with these directives and coordinating and managing its records management program. Even in a period of program reduction it is necessary thatthe Department have the required staff to provide an active program for controlling the creation, organization, maintenance, use and disposition of its records.

(2) Architectural Historians DS-11
The Department is requesting increased position authority for two DS-11 Architectural Historians and redirected funds for historic preservation. These positions had been funded by the Community Development Block Grant (50%) and a Survey and Planning Grant (50%) from the Department of Interior. There are no longer Survey and Planning funds and CDBG funds cannot be used to fund the positions. Over the course of the last two fiscal years, the Department has moved historic preservation positions from grant funding to the appropriation because of the loss of Interior funding and the prohibition on the use of CDBG funds.

CDBG funds cannot be used because the majority of the staff's time is concentrated in the administration of D.C. Law 2-144, a local regulatory preservation law. The historic preservation staff processes approximately 600 permit applications per year under this law. With the cessation of Survey and Planning funds and the termination of Historic Preservation Acquisition and Development grants in FY 1982, the Department can no longer justify the funding of any of these positions with grant funds.

Chief Apartment Preservation DS-13
The Chief of Apartment Preservation has previously been funded by a categorical grant that has ceased. The Chief offers technical assistance to tenant groups on the purchase, rehabilitation and management of multi-family moderate income buildings, especially where the tenants are converting from rental to either cooperative or

condominium ownership. The Chief assists the groups in dealing with developers, contractors, lawyers and financial institutions. He assists groups in securing financing and other forms of assistance and offers technical assistance in management once the building is converted.

Deputy Administrator, Development DS-14
Deputy Administrator, Housing and Business Resources DS-14
The positions of Deputy Administrator of the Development and Housing and Business Resources Administrations are being requested in the appropriated budget as part of the overall plan, implemented over the last three fiscal years, to include core staff positions in the appropriation. The positions are currently funded by the Community Development Block Grant. The Deputy Administrator, like the Administrator is responsible for a wide range of activities in Development and HBRA including many activities that are funded by the appropriation.

With the continuing uncertainty of federal funding the Department has sought to have in place a core of senior management staff whose positions were not dependent on that funding. In order to ease the transition onto the appropriated budget, the Department has requested a few positions each fiscal year rather than requesting all core positions in any one fiscal year. These positions are the last of the Deputy Administrators to be included in the appropriated budget.

SENATOR SPECTER:
2. Do you have any plans for additional housing for low income families for fiscal year 1984?

MR. CLAY:
2. In the fiscal year 1984 D.C. Appropriated Budget request, we have set aside $2,500,000 for the Rehabilitation Financing Program and $1,000,000 for the Building and Site Purchase Program. The Rehabilitation Financing Program will enable the Department of Housing and Community Development (DHCD) to provide construction financing to produce approximately 75 units of condominiums and/or cooperatives for purchase by low and moderate income persons. Building and Site Purchase Program funds will be used to acquire properties, with the objective of correcting building code deficiencies and returning vacant units to the housing market.

For fiscal year 1984, the District is requesting $2,826,600 of appropriated funds for the Home Purchase Assistance Program. This program provides interest-free deferred payment loans of up to $16,000 per household to assist lower income District households to buy homes. HPAP funds may be used for assisting purchases of multifamily buildings as well as single family homes.

Community Development Block Grant (CDBG) funds will also be used to provide additional housing for low income families in fiscal year 1984. Nearly seven million dollars of CDBG fiscal year 1984 funds are targeted for construction assistance; multi-family project rehabilitation; mortgage insurance for multi-family rehabilitation; public housing site acquisition; home purchase assistance; tenant purchase assistance; and home counseling.

SENATOR SPECTER:
3. With the block grants cut every year, do you foresee any problems in the future years whereby there will be no more block grants for refurbishing homes or apartments?

MR. CLAY:
3. The cuts in the Community Development Block Grant to date have severely limited our ability to provide assistance to low income families. A significant portion of the CDBG is used for rehabilitation. Any further reductions therefore will cause additional substantial harm to low income renters and homeowners. Elimination of CDBG, along with the freeze on Section 8 funding, would virtually shut down the District's rehabilitation efforts.

SENATOR SPECTER:
4. Do you have any plans for Section 8 housing for fiscal year 1984?

MR. CLAY:
4. It is our understanding that there are no new Federally appropriated funds available for Section 8 New Construction or for Section 8 Substantial or Moderate Rehabilitation in fiscal year 1984. Nevertheless, we intend to present the needs of the District of Columbia to HUD and request an allocation from any Section 8 funds recaptured from prior years. In addition, we are considering a proposal to HUD to acquire HUD foreclosed multi-family properties, conditioned upon the availability of additional Section 8 subsidies.

SENATOR SPECTER:
5. Will this agency be able to maintain the same standard of service with the cut in funds?

MR. CLAY:
5. Permanent base reductions were made in the Building and Site Acquisition Program, $750,000; Rehabilitation Financing Program, $362,600; and Contractural Services in the Director's Office, $50,000. The Department feels that the same standard of service can be maintained with the reductions. Both Building and Site and Rehabilitation Financing are revolving loan programs. In FY 1984, there will be program income which can be expended for the same purpose. The proposed uses of the contractual services funds were auditing and evaluation. The Department will use both Federal funds and the services of the new District Evaluation Office.

SENATOR SPECTER:
6. Give me a breakdown showing where the funds will come from for the additional personnel.

MR. CLAY:
6. Neither increased nor redirected funds have been requested for the six new positions. The positions will be paid for with personal services funds that may become available if there is sufficient salary lapse as a result of reductions in overall average employment.

OFFICE OF PLANNING

SENATOR SPECTER:
1. For fiscal year 1984, you will have a deduction in staff of five. What will these positions be? Will they all be from the same responsibility center or will they come from all six?

MR. MCKOY:
1. The base reduction is spread throughout the Office of Planning. The five positions and the Responsibility Centers are:

Positions	Responsibility Center
1) Special Assistant for Social Planning (DS-15)	Office of Assistant City Administrator
2) Community Planner (DS-9)	Plan Implementation
3) Community Planner (DS-12)	Advanced Planning
4) Economist (DS-12)	Advanced Planning
5) Community Planner (DS-7)	Advanced Planning

SENATOR SPECTER:
2. Will you have to RIF these employees? Do you have other positions they can be placed in?

MR. MCKOY:
2. The Office of Planning will not have a reduction-in-force. Four of the five deducted positions were unfunded in fiscal year 1983. The other position was vacant.

SENATOR SPECTER:
3. What type of impact will this reduction-in-force have on your agency? Will you be able to maintain your operation at the present standard?

MR. MCKOY:
3. The office will maintain its current level of planning functions through a continuation of its team approach internally and utilization of resources as needed from elsewhere in the District Government.

OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT

SENATOR SPECTER:
1. When was the cable television commission established?

Mr. SHUMAKE:
1. The Cable Design Commission was established on December 29, 1982.

SENATOR SPECTER:
2. In an announcement from the Mayor's office dated March 23, 1983, the D.C. Cable Design Commission announced that it will authorize a study of how government, public and business services can be delivered to District residents through a cable television system. Why did it take so long to authorize this study?

MR. SHUMAKE:
2. The study referred to is the Community Needs Ascertainment Study. The Commission did not hold its first business meeting until mid-January and staff was not fully in place until February. In addition, there were some questions, both inside the Commission and outside, regarding the proper procedures to be followed in awarding contracts. Under the circumstances, it was not surprising that the study was not authorized until mid-March. Rice and Wilson is conducting the study for the Commission. It will be completed on June 20, 1983.

SENATOR SPECTER:
3. On March 30, 1983, the Washington Post stated that the study has been postponed. With this delay, when do you expect this study to be completed?

MR. SCHUMAKE:
3. The study will be completed by the end of August 1983.

SENATOR SPECTER:
4. What will the Commission do if they still do not get another bidder for the study?

MR. SHUMAKE:
4. The new Request for Proposal was issued on May 9, 1983. The Commission anticipates that there will be no problem in finding another qualified bidder. In fact, one bidder who was certified as qualified from the first RFP has indicated that they will bid this time, too.

SENATOR SPECTER:
5. If you do receive another bid, will the original bidder be disqualified, guaranteeing the bid to the new bidder? Explain how this will work.

MR. SHUMAKE:
5. The first successful bidder, the Booker T. Washington Foundation, has disqualified itself because of the rule adopted by the Commission that any firm doing work for the Cable Design Commission cannot do work for any firm that bids on the D.C. cable television franchise.

MINORITY BUSINESS OPPORTUNITY COMMISSION

SENATOR SPECTER:

1. Your budget is authorized for the same number of positions and funds for fiscal year 1983. Even with keeping one position vacant, how do you expect to maintain the level of service you need to improve this service that is so valuable?

MR. JAMESON:

1. The loss through attrition of one position, the contract and market analyst, will not affect the Commission's ability to maintain its present level of service to minority business entrepreneurs. The functions of this position, the projection of agency contracting and the assessment of market opportunities for minority businesses will be assumed by existing staff.

SENATOR SPECTER:

2. Are the present employees trained to assist in other positions in order to maintain a productive service?

MR. JAMESON:

2. Employees of the Minority Business Opportunity Commission are being cross-trained to increase staff effectiveness, productivity, promote career development, and increase staff morale. Several program analysts have been trained on the Information Processor. The program analyst for certification has been receiving training in contract administration and marketing systems. The administrative officer has been orientated to certification principles and procedures. Ultimately, all staff will be exposed to the major functions of the office.

SENATOR SPECTER:

3. Give a breakdown on new minority businesses and old businesses that are expanding and use your service in order to get the necessary background they need for securing funds and etc. in order to operate their businesses?

MR. JAMESON:

3. The Commission does not keep statistics which would enable us to determine the number and percentages of existing and new firms seeking technical assistance. It is estimated that approximately 230 firms per year are provided counseling and technical assistance in the areas of finances, budget management, marketing, estimating, bid preparation and referrals for loan packaging, bond counseling and insurance.

D. C. HOUSING FINANCE AGENCY

SENATOR SPECTER:

1. The Housing Finance Agency has made progress since it was created. Can you give me a breakdown of how many applications for Section 8 housing you have received, how many was approved or denied.

MS. OAKLEY:

1. To date 33 applications have been received for project financing whereby prospective tenants would receive Section 8 housing subsidies. Included were approximately 16 applications for cooperative type ownership which cannot be financed with tax-exempt bond funds, as multifamily rental housing projects if any of the incidents of home ownership accrue to the unit occupants. Of the remainder, 10 projects have been approved; five (5) of these approved were financed by the sale of the Agency's first bond issue in September, 1982, and are under construction, 2 will be financed by a bond issuance to be undertaken by June 30, 1983 and 3 are in the pipeline. Upon construction of all 10 projects, approximately 800 units of rental housing will be made available to Section 8 income eligible low and moderate income residents of the District.

SENATOR SPECTER:

2. What criteria do you use in determining the applicants that qualify for these special funds?

MS. OAKLEY:

2. The Agency's initial applications were received pursuant to a Request for Proposal (RFP) package for the Fiscal Year 1981 Section 8 Set-Aside Rental Housing Program for new and substantially rehabilitated housing. All of the applicants were required to obtain FHA insurance. Thus, the Agency closely modeled its application requirements after the HUD requirements for processing. In addition, all Section 8 applicants were required to follow the HUD regulations applicable to the Section 8 program. The Agency in its RFP expressed a preference for family proposals (buildings with two or more units). In addition to stating that the applicants must meet the requirements of the Agency's enabling legislation for rental housing proposals and applicable Treasury regulations, the Agency also screened the numerous proposals it received according to a few special criteria for selection of proposals, namely:

- The extent to which the proposed development demonstrates an excellence of design, a level of amenities that will assure its long-term livability and marketability, a regard for energy conservation, a suitability for the site and a sensitivity to the surrounding neighborhood and environment.

- The extent to which the proposed development has the potential for a positive impact on the neighborhood, promotes economic diversity taking into consideration other government-assisted housing in the area, and is accessible to jobs, shopping, schools, churches, recreational facilities, and other necessary services.

- The extent to which the experience of the owner and other participants in housing development, marketing and management can be expected to result in the creation of a financially sound housing project, thereby assuring the long-term viability of the DCHFA loan portfolio and the Agency as a financial institution.

- The extent to which the proposed development meets the expressed housing needs of the District of Columbia and is consistent with plans and priorities of the District of Columbia Government.
- The extent to which the proposed development affords opportunities for minority or community-based participation in ownership or control or management of the development, or otherwise provides such opportunities in the construction, employment, design, management or other key elements of the development.

The Agency also developed an Open Invitation for Rental Housing Proposals (RFP) in the summer of 1982, and invited applicants to submit new or substantial rehabilitated proposals, whether or not Section 8 subsidies were involved. This was in recognition that the Section 8 program for new or substantial rehabilitated housing was on the decline. This Open RFP set out the Agency's Act requirements for income level, percentage of low and moderate income housing that must be provided in a rental development; as well as the Treasury regulations that a percentage of low and moderate income housing must be provided for a number of years. Initially the Treasury regulations required that such units be provided for 20 years, a later Congressional amendment modified this provision to provide that 20% of the units must be made available for at least 10 years, the length of the subsidy received or the life of the bonds. The Agency outlined a number of submission requirements in this Open RFP to evaluate the sponsors' applications, including, financial soundness and credit worthiness of the mortgagor, marketability of the units, cash flow projections, relocation requirements, qualifications of all development team members, etc.

SENATOR SPECTER:

3. What type of down payment will these applicants have to have in order to buy one of these moderate income homes? What will the average payment be per month?

MS. OAKLEY:

3. Depending on the type of mortgage insurance, (i.e., VA, FHA, or conventional), available to the applicant, the down payment for an Agency eligible home mortgage could range from zero to five percent (5%) of the purchase price. Based on current underwriting standards and interest rates, monthly housing costs including the mortgage payment, taxes, insurance, utilities and maintenance would average $660 for homes to be financed by the Agency home ownership mortgage loans.

SENATOR SPECTER:

4. Will all of these homes be newly built homes or will they be renovated homes in some of the burned out areas of the city?

MS. OAKLEY:

4. Although the Agency's Home Ownership Program has not been fully developed at this time, its basic features have been established. The program sets out a two-tiered approach to targeting home ownership loans geographically. These areas are designated as follows:

a. 1980 eligible census tracts based on the District of Columbia median incomes, whereby a minimum of 20% of the loan proceeds of the Agency must be made available for one (1) year. This is a U. S. Treasury mandated requirement.

b. 1980 eligible census tracts based on the District of Columbia Standard Metropolitan Statistical Area (SMSA) median incomes.

The above two-tiered targeting allows for a wider geographical base for loans to low and moderate income households in the District of Columbia.

In addition to the above two tiered targeting, the Agency has adopted a policy to allow the financing of housing units (condominiums, cooperatives, or single family detached/attached homes) which may be outside of the above target areas, if financial assistance has been provided to such units or developments by the D. C. Department of Housing and Community Development (DHCD), through its various home purchase assistance programs. The Agency will ensure, however, that these are funds legally committed through signed contracts or other forms of commitments, such as firm reservations of funds for DHCD approved developments or units.

The eligible housing types are expected to be both newly built (as long as they are ready for purchase by eligible buyers) and renovated homes. Some of these homes are expected to be located in areas of the City which were previously "burned out areas", such as the 14th Street corridor and the H Street corridor. All the homes purchased by the Agency in the above specified targeted areas, must meet purchase price limits established by the Agency. Prices are established for condominium and cooperative developments by bedroom size and price limits are set for single family detached and attached units by bedroom size.

The Agency expects to widely publicize its home ownership program as soon as the basic underwriting guidelines and rules are published for full implementation of the program. The Agency has targeted this program for funds to be available for loan to eligible homebuyers in July of this year.

SENATOR SPECTER:

5. Will the selling of the tax exempt bonds be enough to alleviate the shortage of funds for housing in the District of Columbia?

MS. OAKLEY:

5. Based on recent estimates there are 8,000 individuals or families on the City's waiting list for public housing and 59,000 renters in the District who would be eligible for a home ownership mortgage loan in accordance with Agency requirements. The investment banking community is of the opinion that the market place can absorb all the bonds the Agency may issue. Accordingly, given the necessary staffing, sufficient program subsidy funds and continuation of the legislation permitting the issuance of single family mortgage revenue bonds, I am confident the Agency can generate funds necessary to finance housing for low and moderate income residents of the District and significantly reduce the current shortgages.

DEPARTMENT OF FINANCE AND REVENUE

SENATOR SPECTER:

1. Is the temporary help that you use permanent full time temporary or part-time temporary?

MR. HUMBER

1. The department employs no permanent full time temporary or part-time temporary help. We do use term full time temporary and intermittent help.

SENATOR SPECTER:

2. By transferring the Forms Unit from the Audit, Compliance and Investigation Control Center to the Administration Control Center, how do you predict this will be a more effective and efficient center? Will there be more people to handle these duties? Will this transfer save the city any money?

MR. HUMBER:

2. In addition to distributing public use tax forms, the Forms Unit provides services for the entire department rather than just the Audit, Compliance and Investigation Control Center. Transfer to the Administration Control Center will enable the merger of the Forms Unit with the Administrative Services group. Managerial expertise and resources can thus be more effectively shared by employees with similar responsibilities. While this transfer will not produce direct cost savings for the city, providing better administrative services will decrease the time revenue generating personnel spend in non-productive activities.

SENATOR SPECTER:

3. Will you explain exactly what the disk space is?

MR. HUMBER:

3. One of the major improvements to be realized from our new Business Tax system will be the ability to capture virtually all data concerning businesses registered in the District, and to have access to any portion of this data almost instantaneously (3 - 5 seconds). To accomplish this, the data must be captured and stored on a medium at the SHARE Computer Center which has the capacity to accommodate high data volumes and contains the features which allow for very quick access. Direct Access Storage Devices, which include disk space, are the only devices available which will satisfy this requirement.

Board of Appeals & Review/ Equalization & Review

SENATOR SPECTER:

1 Funding for fiscal year 1984 boardmembers is $93,000; that is a $40,000 increase from fiscal year 1983. How much do you compensate each boardmember?

CHAIRMAN REYNOLDS:

1 Boardmembers are compensated at the rate of $23.16 per hour, which is 1/2000th of a DS-15-1 salary. The increase of $40,000 to which you refer was justified through a reprogramming request dated March, 1983. These funds were established for relocation of B.E.R. to new facility (including furnishings, supplies, equipment, relocation expenses).

SENATOR SPECTER:

2 How often will the boardmembers meet?

CHAIRMAN REYNOLDS:

2 Boardmembers meet in panels of 3 and as a whole, based on the volume of appeals received and hearings scheduled. During the months of March through May, which is the peak appeal period, hearings are generally scheduled from 5-6 hours per day, 5 days a week. Boardmembers also assemble for appeals filed in September, as well as for training and general business purposes as dictated by the Chairman.

SENATOR SPECTER:

3 You estimate that you will have 4,000 appeals. What type of effect will the one vacant clerical position have on this type of caseload?

CHAIRMAN REYNOLDS:

3 The estimate of 4,000 appeals was based on last years record caseload of 3700 appeals. In fact, I believe we received fewer appeals this year than anticipated. The percentage of commercial appeals is higher, though, and these appeals require more boardmember preparation and review than do residential appeals, which are "simpler" in nature.

Since the BER moved to the Municipal Center and acquired a support staff, we have seen a number of efficiencies in the operation. We are saving time and have simplified our procedures by our proximity to the assessment staff. The control we now exercise over processing and scheduling appeals has led to staff efficiencies. As a consequence, there is no negative impact on staff ability or workload management. Therefore, the vacancy has not impeded our work.

SENATOR SPECTER:

4 If the boardmembers hear more cases, will the clerical workload also double?

CHAIRMAN REYNOLDS:

4 Based on the unanticipated reduced workload and the move we have made to 300 Indiana Avenue, the workload is now being managed with a staff of three.

OFFICE OF CONSUMER PROTECTION

SENATOR SPECTER:

1. It was stated in the hearings for fiscal year 1983 that you do not have adequate personnel to handle the present workload but your positions and funds requests remains the same as fiscal year 1983. Will you explain the reason for this?

MR. JACKSON:

1. The position that won't be available to us in fiscal 1984 is that of Information and Education Officer. There is currently no person on board to perform that function. Other staff members are pitching in to perform the vital functions of the position. We therefore, expect that the impact on the overall program will be minimal.

SENATOR SPECTER:

2. What type of effect will this have on the consumer, the people you are there to protect?

MR. JACKSON:

2. The greatest effect will be in the area of community outreach. We will have to reduce the number of news

alerts, fact sheets and brochures we publish as well as limit the number of personal appearances. We will compensate for this, however, by more strictly prioritizing our publication needs and increasing the involvement of community representatives in the process of transmitting consumer education and information.

SENATOR SPECTER:
3. With all of the cuts you will have to sustain, will you still have a feasible method for informing the community about this service?

MR. JACKSON:
3. Yes sir, in addition to OCP's public awareness initiatives, we will continue to hold cooperative community based workshops and seminars in the various wards of the city. These presentations are designed to involve consumer, academic, business and industry representatives as panalists/experts to address general and specific issues. We will also continue to make maximum use of free public service time in the electronic and printed media to inform the community.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

SENATOR SPECTER:
1. Has the workload within this department increased or decreased within the past two years? Give a breakdown of how this is determine, using the data from 1981 and 1982 to the present time.

MS. THOMPSON:
1. The workload of the Department of Licenses, Investigations, and Inspections has increased over the last few years as the Department has been mandated the responsibility for regulating more activities. For example, while the number of business licenses issued has remained around 40,000 renewals and 5-6,000 new licenses, the Department has had added responsibility for motor vehicle reinspection stations and inspectors, pharmacy and controlled substances, veterinary practices, and real estate licensure since 1981. In order to meet this increased workload the Department has introduced variable licensing periods and other administrative initiatives. In Investigations and Enforcement the Department has shifted its emphasis from almost exclusive complaint investigative activity (14,850 complaint investigations in FY 1980 and no survey investigations) to a combination of complaint and survey investigations.

Investigations	1980	1981	1982	1983
Complaint	14,850	6,322	4,908	7,200
Survey	-0-	-0-	1,698	1,000

SENATOR SPECTER:
2. What is the total amount of money collected from the various fees charged for licenses ? Do you have a breakdown of what the money is used for?

MS. THOMPSON:
2. The total amount of money collected from fees charged for licenses and permits is $3,914,548.00 for the period of October 1, 1982, through March 31, 1983. This amount represents $3,913,268.00 appropriated revenue and $1,280.00 allocable revenue for licenses and permits issued by the Boxing and Wrestling Commission. We anticipate collecting $10,667,600.00 in our FY 1984 revenue budget.

There is no actual breakdown for spending of the $3,913,268.00 appropriated revenue since these funds are deposited to the general fund to finance the District's appropriation. However, the $1,280.00 allocable revenue is used, along with other revenue from boxing and wrestling events, by the Boxing and Wrestling Commission to compensate referees and judges at boxing and wrestling events; to purchase office supplies and furniture; for travel to attend national conferences and meeting, and to conduct boxing clinics.

SENATOR SPECTER:
3. Do you have an estimate of how long it will take for an application to be processed and a license to be issued for various requests such as a liquor license, a regular business license etc.?

MS. THOMPSON:
3. The amount of time required to process and issue business licenses varies. Business Licenses and Permits administers 118 categories of business licenses and registrations. Twenty-one of these license categories can be issued the same day the application is submitted, provided that pre-submission requirements have been met. The other categories require applicants to obtain approvals related to field inspection and corporate authority to operate in the District of Columbia. The amount of time it takes to process these applications can vary, but average 10-20 working days.

Obtaining a liquor license for an establishment takes 6-8 weeks unless a hearing is required, in which case it requires 12-14 weeks. ABC licenses for managers and solicitors require 2 weeks from the time of application.

SENATOR SPECTER:
4. Is the investigation unit very accurate in describing what they have investigated in order for an establishment to be eligible for a license?

MS. THOMPSON:
4. The Investigations Division conducts background investigations for 21 specific business license categories in order to determine character status and suitability of license applicants. Applicants are informed of all pre-requisite licensure requirements by the Investigations Division and the Business License Center prior to issuance. All licensure investigations are thoroughly and accurately documented in accordance with the prescribed requirements of District laws and regulations.

INSURANCE ADMINISTRATION

SENATOR SPECTER:
1a. In handling cases, you anticipate the response time will increase. What procedure do you take if a case is an emergency?

MRS. STOKES:
1a. If a case is an emergency it is given the highest priority and handled immediately by supervisory personnel or assigned to a specific staff member but closely followed up by supervisory personnel.

SENATOR SPECTER:
1b. Do you have emergency cases?

MRS. STOKES
1b. Yes. Emergency cases normally arise from appeals to the Superintendent from insured residents as a result of the cancellation or nonrenewal of their insurance policies. It is imperative that prompt action be taken prior to termination of the policy in order that none of our citizens will be left without necessary insurance protection. Ocassionally, other emergency cases arise where we find evidence of fradulent sales practices or where insurance companies are found to be in an unsound financial condition. All such cases are assigned the highest priority for the protection of District residents.

SENATOR SPECTER:
1c. Is there someone to review these cases to determine if it should wait or have priority?

MRS. STOKES
1c. Yes. Supervisory personnel screen correspondence and inquiries coming into their respective units to identify emergency cases and to assign appropriate priorities. Cases which cannot be handled by the division supervisor are referred to the Superintendent of Insurance.

RECORDER OF DEEDS

SENATOR SPECTER:
1. How much of a backlog do you need before you consider it to be a crisis proproportion?

MRS. STOKES:
1. Any backlog which interfers with public access to documents and/or information contained in those documents is sufficient to be considered of crisis proportion. A problem exists in our General Documents Unit. Our plan for eliminating the backlog in the General Documents Unit includes the hiring of four DS-4 temporaries for a 3-month period. According to preliminary calculations this should be sufficient to reduce the backlog to a working inventory. At the end of this period we will evaluate whether more efficient procedures alone will allow us to continue at the working inventory level without filling the currently unfunded vacancy which exists in the Unit. If the answer is negative, the vacancy will be filled.

SENATOR SPECTER:
2a. Is it more feasible to pay overtime than to hire the additional staff needed?

MRS. STOKES:
2a. No. During fiscal year 1982, the agency used a total of $12,109 in overtime pay. Approximately the same amount of money is included in the 1983 and 1984 budgets.

The primary use of overtime in 1982 was in support of the new computerized data retrieval system placed in operation in our Corporations Division. The manual system had to be available for constant daily use during the conversion period. Therefore, we relied on overtime to make the conversion as rapidly and smoothly as possible without interruption to the user public. That transition has progressed smoothly for the benefit of all. In addition, our agency provided 24-hour guard service and each year some overtime is required during vacation periods, necessary sick leave, and/or emergency annual leave periods.

Further, our Auto Lien staff works with the Transportation Department during the annual automobile tag renewal period.

The Funds used for overtime would be equivalent to one DS-4/4 (1982), DS-4/2 (1983), and DS-3/3 (1984). One individual would not be sufficient to meet the needs called on by the limited but extremely varied use of overtime during a 12-month period. We would require a number of regular full-time positions to meet the above contingencies. There has never been sufficient funds requested to provide a general level of overtime to complete regular agency functions.

SENATOR SPECTER:
2b. What happens if the backlog still exists when overtime allocations diminishes?

MRS. STOKES:
2b. At the present time we see a need to institute more efficient procedures and additional automation in order to provide an improved level of service. We will constantly monitor the efficacy of the new procedures.

SENATOR SPECTER:
3a. This agency is a vital area for citizens and it should not be taken lightly. Do you think you will be able to maintain the same service in fiscal year 1984 as you are now doing in 1983?

MRS. STOKES
3a. Yes. However, there is a need to improve upon our 1983 level. We are currently undergoing a review to determine how this can be accomplished effectively.

SENATOR SPECTER:
3b. Is the the present service adequate, considering the fact that you have had the CETA reduction?

MRS. STOKES:
3b. No. When the current backlog is removed and the new procedures fully adopted, if we find that we cannot keep up with the need for services, we will request additional funding.

COMMISSION ON LICENSURE TO PRACTICE THE HEALING ART

SENATOR SPECTER:
1. Does the Commission have any control over the fees that doctors charge? Is there some scale they use to set a fee?

MR. SARNELLA:
1. The Commission does not have any control over the fees charged by doctors. However, the Commission does receive complaints from consumers over the amounts charged by doctors for their services. Since the Commission does not have the wherewithal to handle this type of complaint, the Commission forwards such complaints to the Medical Society of the District of Columbia for consideration by their Fee Review Committee. To my knowledge, fees charged by doctors must be usual, customary and reasonable and there are no scales that are used to set fees.

SENATOR SPECTER:
2. Is the Commission presently at the full staff requirement?

MR. SARNELLA:
2. At the present time only four positions are filled. The four positions consist of the Staff Director, a Contact Representative and two Investigators. We are presently recruiting to fill the Process Clerk Position which became vacant on April 13, 1983. A sixth position, a Budget Analyst type position, will be advertised within the next four weeks. Present funding will only provide for six full time positions.

SENATOR SPECTER:
3. Are you able to maintain a constant flow with the processing of license renewals and issuances, and the investigative responsibilities?

MR. SARNELLA:
3. With only four employees it is impossible to maintain a constant flow of output. At present, the staff is processing and issuing almost ten thousand renewals, preparing certifications to other licensing agencies, verifying licensure status of physicians to the various private organizations requiring such information, preparing to examine approximately eighty candidates in June 1983, receiving and performing background investigations of approximately fifty applications a month as well as performing the myriad of administrative processes required to issue licenses to practice medicine and surgery, osteopathy and surgery, chiropractic, naturopathy, and nursing home administration in the District of Columbia.

PUBLIC SERVICE COMMISSION

SENATOR SPECTER:
1. With the low attrition rate that the commission has, the standard of work should be at its peak. What will the commission do with the majority of the employees at their maximum? With no other advancement potential available will the agency just compensate them or try to find a way to upgrade positions?

MS. RUTH HANKINS-NESBITT:

1. The standard of work is, in fact, at a high quality level. A large number of employees are at or near the top of their salary grade, but this is generally true of any government agency (Federal or local) for its Directors and key managers. In fact, the government pay cap generally serves to pay those non-managers who have longevity at a level with the Agency's top managers. There are of course, the annual pay raises, awards for superior service, and the psychic pleasure of public service.

   The annual pay raises and the lifting of the pay ceiling has aided greatly in extending upward the salary to which an employee can aspire. For example, the top step of a DS-14 is $53,220. This is $3,000 more than the pay ceiling of $50,112 which existed 2 years ago.

   We have found it beneficial to look at current employees when positions become available. Our Deputy Director of Consumer Services was formerly the Pipeline Safety Engineer. Administrative Assistant to the Executive Director was formerly the Secretary to the Accounting Office; the Commission's Assistant Secretary was chosen from the Auditing Section; and the Director of Accounting previously served as Deputy Director. The Assistant General Counsel was formerly a Special Assistant to the Chairperson. On the other hand, we have upgraded some positions, such as Senior Auditor from a DS-12 to a DS-13. Some of the secretarial positions have been enhanced to compensate for the increased work demand. Technical positions, such as accountant, engineer, and economist have experienced quite a turnover. Several factors contribute to this. High demand in the Washington area, the D. C. Residency Requirement, and the desire by employees to broaden experience. Utility ratemaking is highly specialized. Some employees will stay because they like the work, are dedicated to public service, or given the specialized nature of our work, they see few other employment opportunities besides the utility companies. One employee, a new one, recently availed himself of just such an opportunity.

   Most jobs, public or private sector, have a type of ceiling and people accept it. We have not experienced the so-called burn-out among our employees and so work continues at a high standard. The changing nature of utility regulation continues to make it an ever challenging and fascinating arena within which to apply ones skills. We are cognizant that our top grade levels are lower than for comparable agencies and we will certainly take a look at the possibility of upgrading in the future.

SENATOR SPECTER:

2. Will the Commission be able to bring on younger new employees at some point to train for some of these positions when retirement advances to the Commission?

MS. RUTH HANKINS-NESBITT:

2. Our employees are relatively young and only a couple of Office Directors are close to retirement. The only way we

could bring on "younger" persons to train specifically for these positions would be to acquire additional position slots. We do, however, encourage continued training and education and follow a philosophy of cross training within Departments to provide an employee with an overall view of how each part relates to the whole.

I would like to point out that three of our Departments have been in existence less than 3 years: Department of Consumer Services, Department of Economics, and Department of the General Counsel. The Directors of these respective Departments range up to 33 years of age. Deputies and Assistants have been hired to complement the skills of the Directors, but it is not always the case that the Deputy or Assistant has all the necessary qualities to become Director. When one of these Directors vacates the position, it is quite possible that the best candidate will not be a young person at all, but a middle aged person or even a person near to retirement. The Commission must within the constraints of salary and residency considerations always seek to get the best value employee without regard to age. The new Offices have young Directors, but it was not by design, they were the best qualified and the Commission is benefiting from their contribution to its mission.

Though some of our employees may have 15 or 20 years of government service, they are young with regard to retirement. We do seek to maintain a continuity in work force and at the same time attempt to keep it fresh and injected with enthusiasm and objectivity.

OFFICE OF THE PEOPLE'S COUNSEL

SENATOR SPECTER:

1. The utility companies reimburse the District Government the entire appropriation budget for the Office of the People's Counsel. When there is a request for investigation by an individual and not a company, who pays for that service, or is that service rendered?

MR. LEDERER:

1. The Office of the People's Counsel (OPC) pursuant to its' statutory mandate "may represent and appeal for petitioners appearing before the Commission for the purpose of complaining in matters of rates or services" (Title 43-406(d)(2), 1981 D.C. Code). All costs borne by OPC in this endeavor on a day to day basis on behalf of individuals, including the cost of necessary staff, are covered by appropriations and reimbursed to the city pursuant to the Public Utilities Reimbursement Fee Act of 1981 (D.C. Law 3-88). Any complaint relating to individual or business billings is handled in this fashion. Should a satisfactory accord with the utility company not prove possible, the case may be submitted to the Public Service Commission for resolution. The costs incurred by the complainant are not paid by either OPC or the utility company. However, those costs are currently handled as above.

Fire Department

STATEMENT OF HON. THEODORE R. COLEMAN, FIRE CHIEF OF THE DISTRICT OF COLUMBIA

INTRODUCTION OF THIRD PANEL

Senator SPECTER. I would like now to call upon our final panel, Fire Department Chief Theodore Coleman.

Chief COLEMAN. Good afternoon.

Senator SPECTER. Chief Coleman, we welcome you.

Chief COLEMAN. Thank you very much, sir.

PREPARED STATEMENT

Senator SPECTER. We do have your statement, and it will be inserted in the record. If you would summarize that, we would appreciate it, leaving the maximum amount of time for questions.

[The statement follows:]

STATEMENT OF CHIEF THEODORE R. COLEMAN

I am Theodore R. Coleman, Fire Chief for the District of Columbia. I am pleased to appear before you, today to explain the Fire Department's plan for Fiscal Year 1984, and account for the resources necessary to carry out the plan.

In Fiscal Year 1984, the District of Columbia is requesting $52,236,200 in appropriations and 1,664 positions to operate the Department. This is an increase of $4,667,200 over Fiscal Year 1983, with no change in the position authorization. Most of the increase will go to fund an anticipated seven percent pay raise and increases in the cost of employee fringe benefits and the cost of the four rescue squads authorized in Fiscal Year 1983. Two Hundred Eighty-Nine Thousand Two-Hundred Dollars will be used for "other than personal services" to pay inflationary cost, to repair the fireboat and fire stations, and to increase first aid stocks and provide improved radio equipment. In all, these resources will maintain 54 fire fighting companies, including four separate rescue squads, 17 ambulance units, and a 52 person fire prevention effort.

In the area of fire prevention, seven new positions approved in Fiscal Year 1983 have allowed us to re-establish the practice of regularly inspecting places of public assembly for crowding and other hazards that represent an immediate threat to public safety. The new positions have also allowed us to improve our efforts in fire investigation and geographic inspection. The gains will be maintained in Fiscal Year 1984, without any further increase in resources.

In fire fighting, we will maintain the 54 company level of service established in Fiscal Year 1983, with some adjustments in the staffing of those companies. The fireboat shall be operated with a standby crew of two and a land company will be dispatched to fill out the crew before the boat responds to an alarm.

The actual number of fires that occur in the District has been decreasing over the last ten years to a new level. In Fiscal Year 1974, there were 9,790 fires. In Fiscal Year 1982, there were 6,353 and we expect approximately that number in Fiscal Year 1984. But, although the number of fires has decreased, the loss from fire has increased. In Fiscal Year 1974, the District's loss was $6.3 million. In Fiscal Year 1982, it was $14.1 million. Part of this is attributable to inflation; however, part of it is the result of an increase in intensity of individual fires which maintains the workload on fire fighting units. Another innovation that has maintained the workload on fire fighting units is the policy of dispatching them to medical emergencies. This practice became feasible in 1980, after false alarms were reduced to less than five percent of all alarms. Now, instead of having their time consumed unproductively on false alarms, fire companies are able to respond with ambulance units to reduce the time before help for the victim arrives, and to increase the amount of assistance that can be provided.

During the hearings on the Fiscal Year 1983 budget, your Subcommittee expressed its concern about the number of adequate self-contained breathing apparatus available in the Fire Department. I would like to report to the Subcommittee that the District is preparing to completely replace all of the old demand type apparatus with a new type that will meet the standards of the Occupational Safety and Health Administration, and increase the service duration from one-half hour to one hour. Funding for this purchase will come from Interstate Highway Substitution Funds.

The Emergency Ambulance Service was established as a separate Division within the Department in November, 1981. A permanent Director was appointed in November, 1982, and a full-time Medical Advisor was hired that December. The Division has operated 17 full-time units since September, 1982. Four of these are the Advanced Life Support type and 13 are for Basic Life Support. These units are expected to handle between 90,000 and 100,000 calls a year.

Three positions were redirected into the Emergency Ambulance Division to establish a permanent billing section. The District charges $55 for a Basic Life Support ambulance call and $70 for Advanced Life Support calls. In Fiscal Year 1982, this fee raised over $901,900 in badly needed revenue for the city. The billing section has made a significant contribution in raising the collection rate; therefore, it is being made permanent.

This year's capital outlay request is $5,099,000 for four projects. Five pumping engines, one aerial ladder truck, and a resuce squad will be replaced at a cost of $1,600,000. The long awaited construction of a new Engine Company No. 12 at 5th and Rhode Island Avenue, N.E., will begin at a cost of $2,999,000, and two permanent improvement projects will repair the roofs, heating, and air-conditioning systens in various fire stations at a cost of $500,000. These projects will join those already in progress to maintain the Department's stations and fire fighting apparatus up-to-date, and in good repair. We currently have two stations under construction. One at 14th and Newton Streets, N.W., and one at First and Atlantic Streets, S.E.

This concludes my statement. I will be happy to answer any questions.

INTRODUCTION OF ASSOCIATES

Senator SPECTER. Chief Coleman, if you would begin by introducing everyone here with you?

Chief COLEMAN. On my left, I have Mr. Eberhardt, who is my administrator; and Ms. Curtis, to his left, from the budget office; to my right, is Mr. Maphis, who is in the budget office; and my assistant fire chief of operations, Chief Shaffer.

I am Theodore R. Coleman, Fire Chief of the District of Columbia.

BUDGET REQUEST

The budget for 1984 is $52,236,200 and 1,664 positions, an increase of $4,667,200 over fiscal year 1983. The increase is divided among the following: salaries, funding for four rescue squads, fireboat repairs, and radio and first-aid equipment.

The Department will operate 54 firefighting companies, 17 ambulance units, and a 52-person fire-prevention effort.

DECLINE IN THE NUMBER OF FIRES

The Department has experienced a decline in fires from 9,790 in 1974 to 6,353 in 1982.

Senator SPECTER. How do you account for that decline, the excellent television coverage?

Chief COLEMAN. I think that it's running less now because of a decline in trash and nuisance fires.

Senator SPECTER. That's a tremendous decline.

Chief COLEMAN. Yes, sir.

Senator SPECTER. How do you account for it?

Chief COLEMAN. I think it is due to our fire-prevention efforts, a decline in trash fires, and the rebuilding occurring in the District.

STAFFING OF HEAVY-DUTY RESCUE SQUADS

Senator SPECTER. Chief, last year Congress directed that heavy-duty rescue squads be manned with separate crews beginning in April of this year. Have you begun the process so that those four units are fully staffed by the end of this fiscal year?

Chief COLEMAN. Yes; we have.

EMERGENCY AMBULANCE RESPONSE TIME

Senator SPECTER. The committee has in the past been concerned about the inadequacy of the emergency ambulance service; and your response time, I'm told, is the highest in the region, up around 10 minutes in the last 2 years. We would be interested to know what it is today, if you are in a position to supply that information?

Chief COLEMAN. Our ambulance responding time today is averaging 8.6 minutes.

HIRING EMERGENCY MEDICAL TECHNICIANS

Senator SPECTER. Last year, as I understand it, there was some difficulty in the hiring of emergency medical technicians; and you wrote to the committee last July to explain plans for resolving these problems. When did you have adequate EMT personnel to man 17 ambulances, if you are in a position to say, Chief?

Chief COLEMAN. We put them all in service in September 1982.

CLOSING OF POLICE AND FIRE CLINIC

Senator SPECTER. Chief Coleman, the 1984 budget calls for closing of the police and fire clinic, and transferring that responsibility to the District of Columbia General Hospital. Is that really adequate? And what will the annual cost be for the use of the D.C. General Hospital?

Chief COLEMAN. We wouldn't have that cost. We don't operate the clinic.

Senator SPECTER. You do not operate it? I see.

Will you pay for the services at the D.C. General Hospital?

Chief COLEMAN. You mean if they switch from the clinic to the hospital?

Senator SPECTER. If you close the police and fire clinic?

Chief COLEMAN. I don't know how much that would cost, since that is administered by the Metropolitan Police Department.

Senator SPECTER. Would you try to get that information for us for the record?

Chief COLEMAN. Yes, sir.

[The information follows:]

STATUS REPORT ON POLICE AND FIRE CLINIC

The costs of transferring the responsibility of the police and fire clinic are not known at this time as a plan is currently underway to determine all of the costs involved in order to maintain the current level of services as now provided at the police and fire clinic. Following is a status report:

Detailed plans are being developed for transferring responsibility for the provision of medical evaluations and treatment to policemen and firemen from the police and fire clinic. Although specific alternatives have not yet been decided, the preliminary plan under current consideration allows for:

(1) the Commission on Public Health of the Department of Human Services to provide routine examinations and treatment at local clinics;

(2) the D.C. General Hospital to provide X-rays, laboratory work, special consultant evaluations, and treatment; and

(3) the overall management and administration of patient records to remain with the Police Department.

D.C. General Hospital is currently developing a proposal outlining procedures and costs for rendering the services enumerated in No. 2 above by the end of May. Although a decision has not been made on who will comprise the Board of Surgeons or where they will be located, there is no statutory impediment to accomplishing either a realignment or reorganization.

If D.C. General can provide adequate special medical care at a comparable or lower cost to the District, and provided the Department of Human Services' clinics can assume the routine physicals load at no additional cost, the only remaining item for consideration is the provision of mental health services. Discussions are currently underway with the DHS-Mental Health Administration relative to this issue.

APPARATUS REPLACEMENT PROGRAM

Senator Specter. The Fire Department's apparatus replacement program is below the 1983 level, which I am told was below the amount needed for scheduled equipment replacement. Does this reduced level mean that you will have even further problems in scheduled replacements?

Chief Coleman. No; I don't anticipate any problem in the future.

Senator Specter. You planned to replace five pumping engines, and you have two replacements in 1983 and five in 1984. Does that mean that you're three short in 1983?

Chief Coleman. We will be short in fiscal year 1983, but we are now back on schedule.

SATISFACTION WITH CURRENT BUDGET

Senator Specter. Chief Coleman, the same question that I asked some others: You are, of course, an appointee of the District administration, the Mayor; and you have to submit a budget within the general confines as to what he sees possible. Are you generally satisfied with the budget that has been submitted on behalf of the Fire Department?

Chief Coleman. Yes; we are satisfied.

Senator Specter. You feel comfortable that you can do the job?

Chief Coleman. Yes.

Senator Specter. And maintain public safety?

Chief Coleman. Yes, sir.

USE OF ADDITIONAL RESOURCES

Senator Specter. If you had a little more money, what would be your first line of priority, what would you do?

Chief Coleman. I think I would purchase more ambulances to reduce our response time somewhere within the national average.

Senator Specter. OK, that's fine.

Chief Coleman, is there anything you would like to add?

Chief Coleman. No, sir.

SUBMITTED QUESTIONS

Senator **Specter**. All right, thank you very much. I have some questions which I will submit for responses for the record.

[The following questions were not asked at the hearing but were submitted for response for the record:]

QUESTIONS SUBMITTED BY SENATOR SPECTER

D.C. FIRE DEPARTMENT

SENATOR SPECTER:
1. Your justification material indicates that increases in pay and annual leave that it is necessary to reduce overtime costs. How much is needed to cover each of these increased costs?

CHIEF COLEMAN:
1. To increase the $43,424,400 currently available for pay items in FY 1983 by seven (7) percent for an anticipated FY 1984 pay raise will cost $3,039,708. To also increase the $1,043,900 annualization cost for the four rescue squads authorized for six months in FY 1983 will cost another $73,073 for a total pay raise cost of $3,112,781.

On July 9, 1982 the District of Columbia and Local 36, International Association of Firefighters signed a memorandum of understanding which increased the amount of annual leave earned by members of the Firefighting Division. Members with less than three (3) years of service now earn six (6) hours of annual leave each pay period instead of 4.8 hours; members with four (4) to fifteen years of service now earn nine (9) hours instead of 7.5 hours, and members with fifteen years of service will now earn twelve (12) hours of annual leave instead of 9.6 per pay period. On the average members will receive 4.35 additional days of leave each year.

There is a retroactive provision in the memorandum which allows members to accrue "Special Compensatory Time" in lieu of the additional annual leave they would have earned between January 11, 1981 and September 4, 1982. A total of 90,387 hours or 7,532 days was earned under this provision.

If each position provides 162.3 net days annually at the workstation, then thirty-two (32) additional positions will be needed to provide adequate staff to fill in while members are absent for the additional leave. Another nine (9) positions will be needed for the next five years while the Special Compensatory Time Bank is dissipated.

The FY 1983 cost of these positions is as follows:

Personnel Compensation	
1 Battalion Fire Chief @ 39,994	$ 39,994
2 Sergeants @ 25,195	50,390
38 Firefighters @ 18,551	704,938
41	$ 795,322
41 Benefits @ $1,527 each	62,607
Total Personnel Compensation	$ 857,929
Other Than Personnel Compensation	
41 Uniform @ $1,051 each	43,091
41 Outside Medical @ $208 each	8,528
Total OTPS	$ 51,619
Total FY 1983 Cost	$ 909,548
ADD: 7% of $795,322 for FY 1984 Pay Adjustment	55,672
Total FY 1984 Cost	$ 965,220

SENATOR SPECTER:
2. As a result of reducing overtime, how much will be saved and and will any facility have reduced staffing below the fiscal year 1982 or 1983 levels, as a result?

CHIEF COLEMAN:
2. The Fire Department estimates that it takes 4.64 positions to staff each of 295 authorized work stations in the Fire Fighting Division under the current program. At this ratio, 1,370 positions are needed. However, the District is only able to fund 1,149 positions in FY 1984. Therefore, the Department must reduce the staffing ratio to 3.89 to 1 or less by reducing annual and sick leave, light duty, details, training, etc. Or, reduce the number of work stations to 247, which is 48 less than what is currently authorized. Or, provide a plan that combines some elements of each of these alternatives.

To provide 4.64 positions for each of 295 work stations would cost an additional $4.8 million if provided by regular salaries or $7.4 million if provided by overtime.

SENATOR SPECTER:
3. Schedule 4 of the budget submission indicates that overtime for fiscal year 1984 is the same as the fiscal year 1983 estimate. Is that still the case? If not, what are the current levels?

CHIEF COLEMAN:
3. Through April 16, 1983 the Department has expended $1,049,368 for overtime in FY 1983.

SENATOR SPECTER:
4. Concerning the Emergency Ambulance Division, in a report to the Committee dated February 25, 1983 you indicated that a total of 230 positions are required to staff the EAD and that 193 are currently authorized. Please identify the title and number, as well as the additional cost, of the remaining 37 positions. Also, what plans do you have to bring the staff level up to the required level, what level did the Department request from the Mayor initially?

CHIEF COLEMAN:
4. The staffing analysis furnished you on February 25, 1983 included a requirement for 155 Emergency Medical Technicians (EMT), 28 Emergency Medical Technicians/Intermediate Paramedic (EMT's/IP), and 36 Emergency Medical Technicians/Paramedic (EMT/P's). Our current strength in these classifications is 117 EMT's, 30 EMT/IP and 20 EMT/P. To meet the additional requirement for 16 EMT/P the department is currently advertising a "Request for Proposal" to find an institution to train 12 to 15 EMT/IP to the EMT/P level. This proposal will be followed by another to train a sufficient number of EMT's to the EMT/IP level to meet our EMT/IP need. Therefore, the 34 additional positions required to man units will ultimately be at the EMT level. The department will train these EMT's, plus those for vacant funded positions.

The three positions necessary for ambulance billing are provided for in the FY 1984 budget through reprogramming. The additional cost of providing this staffing is:

1.	3 Ambulance billing positions reprogrammed in budget (non-add)	($83,700)
2.	Tuition training EMT/IP to EMT/P level	60,000
3.	Tuition training EMT to EMT/IP level	60,000
4.	Advancing 15 EMT/IP DS-8 to EMT/P DS-9 level	35,445
5.	Advancing 13 EMT DS-7 to EMT/IP DS-8 level	28,516
6.	34 new EMT's at DS-6 level	640,866
	Total Cost for Additional Staffing	$ 824,827

SENATOR SPECTER:
5. In your justification material you note that the "equivalent" of 17 Fire Department units will be available. What does this mean? Willany units from other jurisdictions be counted in the determination of this "equivalent" level?

CHIEF COLEMAN:
5. The District's Emergency Ambulance Service envisions a service composed of units contributed from many different sources. However, for many years now the Service has consisted only of units provided by the Emergency Ambulance Division of the Fire Department. The de facto situation is that the Emergency Ambulance Service and the Emergency Ambulance Division are one and the same.

We use the term "equivalent" number of units because periodically we schedule the number of units in service at any particular time according to the demand for service. During our busiest time we will operate more than 17 units and offset that by operating less than 17 during the quieter periods. The scheduling will always average out to the "equivalent" of 17 units in service at all times. Currently we are not scheduling in this manner; however, should response studies indicate that such scheduling would make more effective use of the authorized units we would wish to return to it.

At present we are operating 17 units around the clock and plan to continue that schedule in FY 1984. All 17 units are Fire Department units.

SENATOR SPECTER:
6. What is the response time of District ambulances? How does this compare with other area jurisdictions and cities of comparable size and demographics?

CHIEF COLEMAN:
6. District ambulances have an average response time of 8.8 minutes which is higher than most other area jurisdictions. Generally other cities report a response time averaging five minutes. The jurisdictions contiguous to the District have ambulance response times

ranging from 4 minutes to 5.6 minutes with an average of 4.82 minutes.

SENATOR SPECTER:
7. Last year we discussed problems you were having in recruiting and getting on-board EMT personnel. You also reported back on July 15, 1982 about steps that were being taken to rectify those problems. What is the status of those problems and of the task force investigating various options permanently correcting these problems?

CHIEF COLEMAN:
7. By realigning its priorities to accelerate EMT processing, the D.C. Office of Personnel was able to supply enough candidates to fill forty (40) EMT positions during July and September 1982. Currently, the Office of Personnel has a reservoir of applicants which has completed the Federal X 118 standard review, the medical examination, and the background review; still another group has completed only the X 118 standard review. The Emergency Ambulance Division has eight (8) vacancies which are being filled from this reservoir.

It appears that the immediate problem of identifying sufficient applicants within the Federal X 118 standard has been solved for the forseeable future. However, the District is continuing to develop alternatives to the X 118 standard that are more uniquely suited to the city's needs.

SENATOR SPECTER:
8. The Department support functions are divided into four areas: 1) Management and Administration, 2) Communications, 3) Maintenance and Repair, and 4) Training. Would you indicate the amount of resources, both staff and dollars, allocated to each of these in fiscal year 1983 and 1984 both in actual and percentage terms.

CHIEF COLEMAN:
8. This information is provided on the following chart. (Exhibit 1)

SENATOR SPECTER:
9. The Capital budget request of the Department totals $5,099,000. Including the replacement of 5 pumping engines, 1 aerial ladder truck, and 1 rescue squad. Please indicate how many of these vehicles the Department has that are beyond the useful life stated in schedule 22 of the budget.

CHIEF COLEMAN:
9. The following chart shows significant Fire Department apparatus by age. Fifteen pumping engines are over 16 years old, two aerial ladder trucks are over 22 years old, and four rescue squad wagons are over 12 years old. (Exhibit 2)

Allocation of Fire Department Support Functions

Program	Fiscal Year 1983 Pos.	Fiscal Year 1983 % of Total	Fiscal Year 1983 $000	Fiscal Year 1983 % of Total	Fiscal Year 1984 Pos.	Fiscal Year 1984 % of Total	Fiscal Year 1984 $000	Fiscal Year 1984 % of Total
Management & Administration	37	2.2	1,156.4	2.4	40	2.4	1,364.1	2.6
Communications	45	2.7	1,313.6	2.8	45	2.7	1,471.5	2.8
Maintenance & Repairs:								
Apparatus Management	38	2.3	2,870.3	6.0	38	2.3	2,769.6	5.3
Property Management	5	.3	1,673.4	3.5	5	.3	2,051.6	3.9
Training	13	.8	503.7	1.1	14	.8	580.2	1.1
Total	138	8.3	7,517.4	15.8	142	8.5	8,237.0	15.7
Total Fire Department Budget	1664	100.0	47,569.0	100.0	1664	100.0	52,236.2	100.0

Exhibit No. 1

SIGNIFICANT APPARATUS INVENTORY BY AGE
FY 1983

MODEL YEAR	AGE IN YEARS	TOTAL NO. OF VEHICLES	PUMPERS		TRUCKS		AMBULANCES		RESCUE SQUADS		SEDANS		STATION WAGONS	
			ACT.	RES.	ACT.	RES.	ACT.	RES.	ACT.	RES.	ACT.	RES.	ACT.	RES.
1958	25	1				1								
1961	22	3	2			1								
1963	19	2		1		1								
1965	18	8	4	3		1								
1966	17	8	2	3	1	1				1				
1967	16	1								1				
1968	15	6	5		1									
1969	14	13	9		1				1				2	
1970	13	6			1						3		1	1
1971	12	14	9		1				1				2	1
1972	11	1			1									
1973	10	11	2	3	1						3		2	
1974	9	6	4		2									
1975	8	11	4	1			1				4	1		
1976	7	1			1									
1977	6	10	1					3			3		3	
1978	5	2			1			1						
1979	4	13			4			3	1		5			
1980	3	21	10				4	5					2	
1981	2	11	7		1						3			
1982	1	13					12				1			
1983	0	7	5		1				1					
Total by status			64	11	17	5	17	12	4	2	22	1	12	2
Total Present Inventory		169	75		22		29		6		23		14	
On Order FY 1931/1982		0												
Authorized FY 1983		14	2		1		9		0		0		2	
Awaiting Condemnation		7	5		1						1			
GRAND TOTAL		190	82		24		38		6		24		16	
FY 1984 Request														
Operating		11	0		0		9				0		2	
Capital Project FB206		7	5		1		0		1					

Exhibit No. 2

SENATOR SPECTER:
10. The fiscal year 1984 budget requests funds to replace Engine Company No. 12. What other engine houses are currently under consideration for replacement? What is the status of each, either preliminary study, site acquisition or design, and what is the expected completion date of each?

CHIEF COLEMAN:
10. A new Engine Company No. 11 is under construction at 14th & Newton Streets, N.W. to replace the current station at 1338 Park Road N.W. It is due to be completed this December.

A new station at First & Atlantic Streets, S.E. is currently under design and the site is being acquired. When this station is ready in late 1984 Engine Company No. 3 located at 439 New Jersey Avenue N.W. will occupy it and the New Jersey Avenue station will be closed.

Funding will be sought in FY 1987 to replace Engine Company No. 20 at 4300 Wisconsin Avenue N.W. A new station on the same site should be ready two years after that.

Engine Company No. 26 is proposed for replacement and relocation from 1340 Rhode Island Avenue N.E. to the 2200 block of Rhode Island Avenue N.E. starting in FY 1989. Completion should be about two years after the FY 1989 funding. Other station replacements will be considered as the District develops its 1985-1990 Capital Improvements Program.

SENATOR SPECTER:
11. What funds are requested in the budget to purchase breathing masks? Will they be adequate for use in Metro tunnels?

CHIEF COLEMAN:
11. The FY 1984 budget request contains $172,500 for the purchase of self-contained breathing apparatus (SCBA) as does the FY 1983 budget. This funding level envisioned phasing in the new apparatus over a number of years. However, the District is currently developing a plan to purchase an entirely new SCBA system at one time, using Interstate Highway Substitution funds. Because of this plan the funding in the appropriations may not be used for the purchase of SCBA.

The new mask system will replace all SCBA in the Department with new masks that will meet the Occupational Safety and Health Administration requirement for a positive pressure mask and double the mask service time from one half hour to one hour. The new system will be the most advanced available and will provide the best protection available for the Metro tunnels.

SENATOR SPECTER:
12. The budget request calls for manning the fireboat John H. Glenn Jr. by a landbased company. How will this affect the response time of the fireboat?

CHIEF COLEMAN:
12. It should not affect the response time of the fireboat. Time is required to get the boat underway, start engines, release lines, etc.

This would be done by the marine crew while the land based crew is in transit. Both the marine crew and the land crew should be ready to get underway on the boat at the same time.

SENATOR SPECTER:
13. What other jurisdictions along the waterfront have such equipment?

CHIEF COLEMAN:
13. No other jurisdiction along the waterfront has a fireboat.

SENATE SPECTER:
14. How old is the Glenn? What is its estimated useful life? Does it require repairs in fiscal year 1983 or fiscal year 1984?

CHIEF COLEMAN:
14. The John H. Glenn Jr. was built as a fireboat for New York City in 1961. It was acquired by the District in 1977 for $150,000. With a major overhaul, $500,000 is being requested in the FY 1983 Supplemental Budget, and adequate maintenance, $50,000 is being added in FY 1984; the Glenn should last another twenty years, for a total life expectancy of over forty years.

SENATOR SPECTER:
15. The budget also proposes closing the Police and Fire Clinic. What is the recent history of expenditures over the last three years from the Fire Department, and the expected fiscal year 1984 amount with and without the clinic?

CHIEF COLEMAN:
15. The Police and Fire Clinic is under the administration of the Metropolitan Police Department; therefore, its cost and the cost of alternatives would be addressed in their budget. The Fire Department pays only the cost of outside referrals for performance of duty injuries and diagnostic studies for its members, plus the cost of members prescriptions. Following is the cost of clinic visits for firefighters (paid by the Police Department in their Clinic operation), and the cost of outside medical referrals and prescriptions (paid from the Fire Department budget):

FY 1980

5,030 visits @ $17.50 ea.	$ 88,025
Medical Referrals	206,717
Prescriptions	13,722
Total FY 1980 Cost	$308,465

FY 1981

4,163 visits @ $28.75 ea.	$119,686
Medical Referrals	236,200
Prescriptions	15,183
Total FY 1981 Cost	$371,070

FY 1982

4,618 visits @ $33.00 ea.	$156,088
Medical Referrals	286,674
Prescriptions	21,965
Total FY 1982 Cost	$464,727

FY 1983	Budgeted	YTD Cost Thru 4/30
2,236 visits @ $33.80 ea.	$ 0	$ 78,618
Medical Referrals	264,372	93,426
Prescriptions	18,000	13,768
Total FY 1983 Cost	$282,372	$185,813

FY 1984	
Visits	$ 0
Medical Referrals	319,344
Prescriptions	18,000
Total Budgeted	$337,344

SENATOR SPECTER:
16. Chief, Coleman, has this proposed closing caused morale problem among the firefighters?

CHIEF COLEMAN:
16. At this time we do not have enough information as to how the alternative plan will work. This is causing some apprehension among the members but I think we must wait until there is a definitive new plan before we can measure what effect it will have on morale.

SENATOR SPECTER:
17. In your budget justifications it was stated that a decision had been made to reduce staffing by substantially reducing or eliminating overtime. This action would seem to lead to a lower level of fire protection for the citizens of the District. Could you please tell us why this decision was made, and if this was the effect that you had planned to occur?

CHIEF COLEMAN:
17. The District of Columbia, like all of us, must live within its' means. Sometimes this means we cannot have everything we would like. Therefore, when facing the fact of diminishing revenues, the District has two basic choices as far as the Fire Department is concerned to come within our means; either close companies, or reduce staffing. The District chose to reduce staffing because this option offered an opportunity to distribute the effect over a broad area rather than truncating service where the effect would be totally felt in only certain areas.

SENATOR SPECTER:
18. Chief Coleman, in your capital budget you are requesting $43,800 for the renovation or replacement of the roof for Engine Company No. 12, providing a useful life of 10 to 15 years. Yet as another capital project, you are replacing this same building at a cost of $4 million. I am not questioning the need to have an improved structure for Engine Company No. 12, but I am questioning the need to renovate or replace the roof at the present structure.

CHIEF COLEMAN:
18. The replacement of Engine Company No. 12 was originally funded starting in FY 1974 and at that time the Department started phasing out the old station. However, site acquisition was contested and the District could not proceed with construction until after a

jury viewing of the site. This viewing took until 1980. The District then found that the funding authority was not sufficient for construction at 1980 prices. Another station replacement was also delayed so long that inflation made the funding authorization insufficient to build the new station. The District's solution to this dilemma was to combine the amounts of the two funding authorizations and proceed with the construction of Engine Company No. 11 at 14th & Newton Streets, N.W. and also seek new funding for Engine Company No. 12. During this time, the Fire Department had no way of telling exactly when the construction of the new Engine Company No. 12 would proceed, so it used its precious maintenance funds on buildings that were not to be replaced in hopes that the financial deadlock would be broken and the replacement of Engine Company No. 12 would proceed.

During the Congressional hearings on the FY 1983 budget the conditions of fire stations, particularly Engine 12, received a great deal of criticism which moved the House of Representatives to require that Engine Company No. 12, with Engine Company No. 26, be renovated first before any other renovation work proceeded.

The District also recognized that its fire stations were in a serious state of disrepair and proposed to address the problem immediately by reprogramming $434,747 that remained in the Engine Company No. 12 project, after funds were provided for Engine Company No. 11, to start repair on fire stations. Complete refunding for Engine Company No. 12 would be sought in FY 1984. The reprogramming request started after the FY 1984 budget schedule, overtook it, and passed it. Consequently, some scheduling conflict has developed.

As the repair program stands now, we have been able to proceed to repair seven (7) of nine (9) roofs specified in the FY 1984 budget request. Recognizing this we have contracted for a professional survey of all fire station roofs to identify exactly what work remains to be done. We feel that the remaining two roofs and any additional work can be done within the $250,000 in the FY 1984 budget; therefore, we have dropped the $250,000 FY 1985 roof repair request in the Capital Improvements Program which would have been for Engines 8, 22, 24, 27, and 32. As for Engine 12 specifically, it will be about three years before the new station is ready. Further, there has been no decision on the disposition of the old station once we vacate it; therefore, we feel that maintaining its' roof is a good investment.

SENATOR SPECTER:
19. Also, in your budget justifications, Chief Coleman, it is stated that a full four-year college curriculum is maintained for members of the department. Could you update us on this program - is it provided in conjunction with the University of the District of Columbia, is it provided through a contract; is this program available to other employees of the District?

CHIEF COLEMAN:
19. Since 1968 the Fire Department has offered a curriculum to its employees leading to either an Associate of Science degree in Fire Science Technology or a Bachelor of Science degree in Fire Science

Administration. The program is administered through a contract with the University of the District of Columbia and is open to all Fire Department personnel, both in the firefighting force and the civilian force. It has not, however, been open to people outside the department. The FY 1983 annual cost of this program is $28,045. There are presently 110 students enrolled for the spring semester 1983.

SENATOR SPECTER:
20. Your budget justifications state that your collection rate of emergency ambulance users fee has been increasing since fiscal year 1981. Yet, Chief Coleman, on your Schedule 6 you are anticipating a half million dollar drop in these fees in fiscal year 1983, and then an increase of approximately the same amount in fiscal year 1984. Will you explain this discrepancy. We certainly want to be sure that all revenues expected are listed.

CHIEF COLEMAN:
20. The Fire Department has now recognized that it will receive approximately $900,000 in ambulance billing revenue during FY 1983 and revised its estimates up to that amount. However, the District periodically revises its total revenue estimates according to a specific schedule and the new estimate was not finalized in time to be included in the revision used in the FY 1984 Congressional budget submission. Subsequent publications will show $875,000 to $900,000 in estimate ambulance revenue for FY 1983.

SENATOR SPECTER:
21. Seven positions are being redirected from fire fighting to administrative staff positions in the department. What will be the effect of the loss of these positions to fire protection in the District?

CHIEF COLEMAN:
21. These positions are for tasks that have been assigned to the Fire Department and are currently being handled mostly by detailing people to the function. Their use in this manner is covered under a miscellaneous category (2 days per year per position) in the staffing pattern. Their absence from the firefighting companies is made up through either overtime, allowing less annual leave, or allowing a company to operate with fewer than its usual strength ("run-down").

Their assignment on a permanent basis by redirection will not change a practice that is already provided for in the staffing pattern.

SUBCOMMITTEE RECESS

Senator SPECTER. We very much appreciate all of you being here today.

Thank you all very much. The subcommittee stands in recess.

[Whereupon, at 2:50 p.m., Thursday, April 28, the subcommittee was recessed, to reconvene at 10:30 a.m., Wednesday, June 15.]

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1984

WEDNESDAY, JUNE 15, 1983

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met at 10:30 a.m. in room SD-192, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

Staff present: Tim Leeth.

NONDEPARTMENTAL WITNESSES

SUBCOMMITTEE PROCEDURE

Senator SPECTER. Good morning, ladies and gentlemen. I regret the delay in the beginning of these hearings. We customarily try to begin promptly at the appointed hour, which was 10 a.m. today, but there were proceedings on the Senate floor on the steel caucus which required my attendance.

So we will begin at this point. Today, the Subcommittee on the District of Columbia continues its hearings on the fiscal year 1984 budget request of the District with testimony from various groups and citizens of the Nation's Capital.

The custom is to make the request that the comments be as brief as possible to allow a maximum opportunity for others to be heard and a maximum opportunity for questions and answers. Any prepared remarks which are submitted will be placed in the record.

Our first witness today is Alan G. Kirk, senior vice president and general counsel of the Potomac Electric Power Co.

I can personally attest to Mr. Kirk's many fine qualities, because he and I were law associates together many years ago, in 1956, when we began our careers with the Philadelphia law firm of Barnes, Dechert, Price, Meyer & Rhoads. Mr. Kirk is a distinguished graduate of the University of Pennsylvania, and had the good sense to head south to Washington long before I did. But our paths have crossed on many occasions, and he has had a very distinguished career, and it is a great pleasure for me to be at this hearing and to call on him to express himself today.

POTOMAC ELECTRIC POWER CO.

STATEMENT OF ALAN G. KIRK II, SENIOR VICE PRESIDENT AND GENERAL COUNSEL

Mr. KIRK. Thank you very much, Senator Specter. It is a pleasure to be here and see you again.

The circumstances are somewhat bizarre. I have submitted copies of my testimony to which is attached a brief memorandum of law done by the law department of PEPCO.

In essence, our position is that when the Mayor sent over a budget to the District Council in January, much to our surprise there were no funds in that budget to cover the cost of streetlights and traffic signals. He had a statement that it seemed like an easy way to save $12 million, which is roughly the cost of operations, maintenance, and energy involved in those transactions, to have the $12 million spread among our other customers.

The testimony and the memorandum of law speak fairly strongly to the fact that this is illegal, unconstitutional, impractical, inequitable, ill conceived, and a few other ills and uns. I think it is impossible to implement this by the Public Service Commission, which is what the city says is going to be done.

They say they are going to petition the PSC, which has the exclusive authority to establish rates and to set tariffs. I think it will not be implemented in a timely way, so I am afraid by October 1 when the new fiscal year starts, if the money is not put back in the budget by the Congress, and that is precisely why we are here this morning, to request that it be put back in, we are going to have one of those protracted million-dollar-a-month debt problems and consequent litigation.

We believe that if you flip the switch, you pay the bill. We have looked at the cases around the country and found that this kind of proposal in the context of comparable legislation has been tried in seven jurisdictions and has failed in all seven, and with that, I will cease my brief opening remarks, and I would be happy to endeavor to answer any questions if the chairman has any.

Senator SPECTER. Mr. Kirk, what will happen if this money is not in the budget and the Public Service Commission does not put this sum into the rate base to be paid by other customers?

Mr. KIRK. Then the first bill which would be affected would be the bill we would send to the city in November for services in October, for $1 million. The city would say, "We don't have the money in the budget, we can't pay it."

Senator SPECTER. Do you turn off the streetlights?

Mr. KIRK. That is an option, but a not very likely one.

Senator SPECTER. Do you turn off the traffic signals?

Mr. KIRK. That is a less likely option. I think no. We would go to court as promptly as possible. We could not get to court until the PSC had some order.

Senator SPECTER. Meantime, your company would continue to provide the electricity for the streetlights and the traffic signals? You are between a big rock and a very hard place.

Mr. Kirk. I think, Senator, that the decision would have to be made by our chairman, who is fully capable of making a decision of that magnitude, but I would have to suggest——

Senator Specter. He may seek legal advice from his general counsel.

Mr. Kirk. He may. I would suggest there are other ways to resolve it rather than turning off the streetlights and the traffic signals.

Senator Specter. You would simply have to pursue it in court and seek to get a judgment?

Mr. Kirk. Yes, sir.

Senator Specter. Have you ever seen an execution on the assets of the city?

Mr. Kirk. We considered that 3 or 4 years ago when the city had a debt they owed us, with interest at the magnificent sum of 4 percent. We worked with your predecessor, Senator Leahy, and we finally got that resolved. But there are ways to execute on the city. The city has excess property that sells from time to time, and so one would not necessarily be taking milk from school lunches if one executed on a judgment.

Senator Specter. If the approach were successful, that the $12 million were paid by including that in the rate base, which would mean that other electric consumers would ultimately pay the bill, that would in effect be an indirect tax, I suppose, levied by the city through its action in that way.

Would it be a regressive tax that would fall more heavily on the poor who use electricity than on industrial consumers and those better able to pay?

Mr. Kirk. Yes; presently it is paid by the taxpayers, and we have a progressive tax structure in the District patterned on the Federal income tax structure. It would be more regressive in that the lower income person might well have a larger amount of energy consumption based upon inferior appliances, or larger families, or what have you. There is no correlation between income and consumption that we have been able to ascertain.

Senator Specter. Does the subway system, Metro, pay your electrical charges independently from the city's payment?

Mr. Kirk. Yes.

Senator Specter. So there would be a heavier burden on Metro as well?

Mr. Kirk. Yes; Metro's electrical bill would go up over $350,000 a year. Metro uses relatively little of the city's streetlights. It has its own lights in and around its subway entrances, of course, which it pays us for the energy consumption, and they would be dramatically impacted, and I think most inequitably.

COST TO THE FEDERAL GOVERNMENT

Senator Specter. What would the cost to the Federal Government be if it were shifted in the rate base?

Mr. Kirk. About $3 million a year. The point the GSA has made, and they did submit testimony on the House side on this issue, the point they have made is that the Federal contribution of whatever it is going to be, $360, $370, or $380 million a year, is stated to be in exchange for services rendered to the Federal Government by the city. If you add $3 million to the bill they pay, one wonders about the willingness of the Congress to continue to increase the Federal payment.

Senator SPECTER. Did you say, Mr. Kirk, that this was brought elsewhere before being attempted by the District of Columbia?

Mr. KIRK. There have been seven States where a comparable proposal has been suggested, whether it is for free service or reduced service, of varying kinds of utilities, telephone, water, electric, et cetera. In each case, it has been struck down by the Public Service Commission of the State as being illegal and in some cases stated to be unconstitutional. The only court cases I have found on this are in North Carolina.

There are a number of jurisdictions where there is free or reduced utility service, and those are cities which at the time the utility was franchised, at the time the utility began operations, the city negotiated with it and reached agreement by contract on a reduction in rates or free rates. Those are the only cases that the courts have sustained.

Senator SPECTER. Are there some cities which have free electric rates?

Mr. KIRK. Yes.

Senator SPECTER. Big cities? Which cities?

Mr. KIRK. I don't have the names.

Senator SPECTER. Permanently?

Mr. KIRK. You ask if there are cities that have free permanent streetlights. I would like to come back to you in 24 hours with an answer.

Senator SPECTER. I would appreciate it if you would furnish that to us.

[The information follows:]

FREE OR REDUCED RATE STREETLIGHTING

In response to your question regarding the jurisdictions in the Nation in which free or reduced rate streetlighting has been found to be legal consideration for a utility franchise, I provide the following case abstracts:

Re Midwest Power Co., PUR 1923A, 817, 819 (1922 North Dakota Board of Railroad Commissioners) Enderline, N.D.; Sheldon, N.D. (No discrimination where small amount of electricity furnished to city without charge under franchise provision since so-called free-service is given as consideration for use of streets and alleys.)

Re Carrier Mills Utilities Co., PUR 1918C, 133, 139–140, (1917) Ill. P.U.C.) Saline County, Illinois village of Carrier Mills. (Electric service furnished free of charge as consideration for rights to use city streets and other public property not discriminatory—commission did disallow provision of free service to residence of president of village board and to churches as being discriminatory.)

Re application of Abingdon Home Telephone Co., PUR 1915C, 345, 347 (1915 Ill. P.U.C.) Abingdon, Ill. (Provision of free telephones to city in compliance with ordinance which gave utility the right to use city streets and alleys for its poles and lines not unlawful.)

We have spoken with the successor companies to the entities who were parties to the cases mentioned above. Each is still providing service to these small towns under the terms of the original franchise. Congress granted PEPCO authority to operate in the District, without a franchise, and did not require the company to provide free or discounted electric service to the District government. Thus, these cases are legally, as well as practically, inapplicable to our local situation.

We have also conducted a telephone survey of leaders of the Illuminating Engineering Society of North America and the Street and Highway Task Force of the Edison Electric Institute. None of the nationally recognized streetlighting directors whom we surveyed know of a large town or city in the United States which now charges electric ratepayers the cost of streetlighting.

IMPACT OF TERMINATING SERVICE

Mr. KIRK. But I would like to make it clear where it has been attempted after the fact, after the franchise had been issued, and in our case we don't even have a franchise, the courts have uniformly struck it down, or the Public Service Commissions. So we are talking really about apples and oranges when we talk about cases where there are reduced or free rates.

Senator SPECTER. Is there any other kind of service that the city could make a similar claim to without payment, like electricity, if the city were successful in this effort?

Mr. KIRK. I don't see why not. I don't see why they couldn't look at their phone bills and gas bills and trash bills and others.

Senator SPECTER. Well, it would have to be some area of service, would it not, where the supplier is unwilling to terminate the service? If the city ceases to pay its phone bill, the telephone company can cut off phone service without disrupting, say, traffic controls.

You know, if you stop the traffic signals, it wouldn't be long before you were an additional defendant in lawsuits on intersection collisions, or if you stopped the streetlights you would be a defendant in a robbery or a rape case.

Mr. KIRK. That is the impact of it.

Senator SPECTER. So you really don't have any choice, as I see it, as general counsel, and I don't want to preempt your job, but to continue service. I wonder if other suppliers would have a similar consideration?

A city without telephone service, then the Mayor can't call the Senators. What else happens?

Mr. KIRK. In the trash case, the trash would pile up. You would have some obligation, I guess, to continue trash collections if the city tried to stop paying for trash collections.

Senator SPECTER. Health considerations, disease, lawsuits for damage?

Mr. KIRK. I think you are right about the phone. They may order some special emergency phones, but basically I think you are correct. We are in a different situation.

Senator SPECTER. It would be a great boon to the world if there were no phone service, wouldn't it?

Mr. KIRK. I would be willing to try it for a week or so.

Senator SPECTER. Well, Mr. Kirk, you have shed substantial light on a very important problem, and we very much appreciate your being with us today. We will study it closely and try to be of help in the resolution of the issue, because it is a very important one, and I can see the very substantial interest which not only your company has, but the Federal Government and all of the ratepayers in the city as a whole, and the precedential value which it has.

Mr. KIRK. I appreciate your concluding remarks greatly, and we appreciate the interest of this committee. It is difficult for us because we are strong supporters of the home rule principle, and to have to come before the Congress and request that there be an override, essentially, of the judgment of the District government is a distasteful thing to have to do.

Some people have said, "Well, why are you doing it? You are going to get your money anyway, and it is not all that much money." Assuming those latter two statements are correct, there is a precedent here that we think is very important, and there is a principle involved here that we think is important, that people simply don't walk away from bills in this manner.

It is a nationwide obligation that cities have, and that cities fulfill, with the exception of the one or two franchise cities that I mentioned, or half a dozen. So we are here somewhat unwillingly, but on a matter of deep conviction. We fervently appeal to the Congress to intercede in our behalf and in behalf of the ratepayers.

Senator SPECTER. I have a final question. The nine justices in Price and Rhodes in 1956, how many could you identify?

Mr. KIRK. I think there were eight, and not nine. I ran into one of them last night at a fundraising session for the law school. Do you want names on the record?

Senator SPECTER. Absolutely.

Mr. KIRK. Mr. Liebold, Mr. Broderick, Mr. Subak, Mr. Di Guinzio, Mr. Specter, and Mr. Kirk. That is six, or seven?

Senator SPECTER. Six. Two others are Stan O. Brown and George Miller, and the ninth was Norma Shapiro. You might not consider her.

Mr. KIRK. She had been there and had left, and come back. She didn't come there out of law school as we did. You will grant me that.

Senator SPECTER. No; I won't.

Mr. KIRK. She had been teaching legal writing.

Senator SPECTER. I think we have done a pretty good job in identifying as many as we have, and coming that close to an agreement on an issue that is 27 years old.

Thank you, Mr. Kirk, for appearing before the subcommittee today. Your prepared statement will be included in the record.

[The statement follows:]

STATEMENT OF ALAN G. KIRK II.

GOOD MORNING MEMBERS OF THE COMMITTEE. I AM ALAN KIRK, SENIOR VICE PRESIDENT AND GENERAL COUNSEL OF PEPCO.

I APPEAR BEFORE YOU TO URGE YOU TO RESTORE $12 MILLION TO THE CITY'S FY 1984 BUDGET TO PAY FOR STREETLIGHTING AND TRAFFIC SIGNALS. WHILE WE STRONGLY SUPPORT THE LETTER AND SPIRIT OF HOME RULE, WE ARE DETERMINED TO OPPOSE, IN EVERY POSSIBLE FORUM, THE CITY'S PLAN TO EVADE ITS BILL FOR TWO BASIC CITY SERVICES--STREETLIGHTING AND TRAFFIC SIGNALS.

THE CITY HAS DECIDED NOT TO PAY A $12 MILLION PORTION OF ITS ELECTRIC BILL. INSTEAD, THE LOCAL ADMINISTRATION PROPOSES TO URGE THE PUBLIC SERVICE COMMISSION* TO FORCE OTHER RATEPAYERS, INCLUDING, OF COURSE, THE FEDERAL GOVERNMENT, TO PAY THE CITY'S BILL THROUGH HIGHER RATES.

THERE IS A CLEAR FEDERAL INTEREST IN THIS MATTER. IF THE CITY'S PROPOSAL IS NOT REJECTED, THE FEDERAL GOVERNMENT WILL PAY ABOUT $3 MILLION PER YEAR FOR ELECTRICITY CONSUMPTION, MOST OF WHICH IT DOES NOT USE AND NONE OF WHICH IT CAN CONTROL. BY THIS PROPOSAL, THE CITY IS, IN EFFECT, TRYING TO DO INDIRECTLY THAT WHICH CONGRESS, IN THE HOME RULE CHARTER, HAS FORBIDDEN IT TO DO DIRECTLY; NAMELY, TAX THE FEDERAL GOVERNMENT.

THIS PROPOSAL IS IMPRACTICAL, INEQUITABLE, ILLEGAL AND UNCONSTITUTIONAL, AND WE MUST OPPOSE THIS EFFORT TO BURDEN OUR OTHER CUSTOMERS WITH CHARGES TOTALLY UNRELATED TO THE FAIR AND REASONABLE COSTS OF PROVIDING ELECTRIC SERVICE.

FIRST, THE PROPOSAL IS IMPRACTICAL. IT WOULD SEEK UNPRECEDENTED, ILL-ADVISED AND ILLEGAL RATEMAKING AND INITIATE YEARS OF PROTRACTED AND COSTLY LITIGATION. MANY AFFECTED PARTIES WILL NO DOUBT STRIDENTLY OPPOSE THE PLAN. PEPCO, AS ONE SUCH PARTY, WOULD HAVE NO ALTERNATIVE BUT TO RESIST IT BEFORE THE COMMISSION AND IN THE COURTS AS STRENUOUSLY AS WE HAVE DONE HERE.

THE CITY'S PLAN WILL TAKE AT LEAST A YEAR TO IMPLEMENT, IF IT CAN BE PUT INTO EFFECT AT ALL. THE CITY HAS NOT YET SUBMITTED ITS PETITION TO THE PUBLIC SERVICE COMMISSION. THE COMMISSION HAS A VERY CROWDED DOCKET. EVEN NON-RATE

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*A LOCAL REGULATORY BODY WHICH CONGRESS ESTABLISHED SOME 60 YEARS BEFORE THE PRESENT CITY GOVERNMENT AND WHOSE INDEPENDENCE CONGRESS SPECIFICALLY GUARANTEED UNDER THE HOME RULE CHARTER.

CASES TAKE MONTHS AND SOMETIMES YEARS TO CONCLUDE AND APPEALS TO THE COURT OF APPEALS ARE NORMALLY NOT DECIDED UNTIL ONE OR TWO YEARS HAVE PASSED.

WHILE THIS PROCESS IS UNDERWAY, THE CITY WILL BE ACCUMULATING STREETLIGHTING DEBTS ($1 MILLION PER MONTH) AND THE ACCOMPANYING INTEREST CHARGES, BECAUSE THE GOVERNMENT STILL INCURS THE LEGAL OBLIGATION TO PAY ITS STREETLIGHTING BILL WHETHER OR NOT THE DEPARTMENT OF TRANSPORTATION BUDGETS MONEY TO PAY THAT BILL.

AS CITY OFFICIALS THEMSELVES FREELY ADMIT, NO OTHER JURISDICTION IN THE NATION AVOIDS ITS STREETLIGHTING BILL IN THE MANNER WHICH THEY PROPOSE. WHILE INNOVATION IS OFTEN TO BE PRAISED, WE SUBMIT THAT OTHER CITIES HAVE REJECTED THIS APPROACH FOR THE SAME SOUND PRACTICAL AND LEGAL REASONS WHICH WE URGE YOU TO DISALLOW IT. STREETLIGHTING IS NOT PROPERLY A COST OF SERVING ALL CUSTOMERS AS, FOR INSTANCE, IS THE COST OF READING CUSTOMER METERS.

SECOND, FREE STREETLIGHTING TO THE DISTRICT GOVERNMENT IS INEQUITABLE. ALL PERSONS WHO RECEIVE ELECTRIC SERVICE, INCLUDING, OF COURSE, HUNDREDS OF THOUSANDS OF INDIVIDUAL CONSUMERS, MUST PAY THEIR BILLS. WHY SHOULD A RESIDENTIAL OR COMMERCIAL CUSTOMER BE TOLD HE MUST PAY THE CITY'S ELECTRIC BILL, PARTICULARLY WITHOUT HAVING THE SLIGHTEST CONTROL OVER THAT BILL? AND WHY SHOULD A CUSTOMER WITH ELECTRIC HEAT, AND THUS GREATER ELECTRIC USAGE THAN A NEIGHBOR WHO HEATS WITH GAS OR OIL, BE SADDLED WITH A FAR GREATER CHARGE FOR STREETLIGHTS THAN HIS NEIGHBORS.

THIS MATTER IS NOT A CEREBRAL "POLICY MATTER", IT IS A QUESTION OF SIMPLE EQUITY: WHO PAYS THE BILL? PEPCO THINKS THE ENTITY WHO FLIPS THE SWITCH SHOULD PAY FOR THE SERVICE.

THIRD, FREE STREETLIGHTING SERVICE FOR THE D. C. GOVERNMENT WOULD BE ILLEGAL UNDER D. C. LAW. THE PUBLIC SERVICE COMMISSION HAS PLENARY AUTHORITY TO SET JUST, REASONABLE AND NON-DISCRIMINATORY RATES FOR ELECTRICITY. THE D. C. COURT OF APPEALS HAS EXPLICITLY HELD THAT THIS AUTHORITY EXTENDS TO STREETLIGHTING RATES. THE D. C. CODE (SECTIONS 43-402 AND 43-501) SPECIFICALLY PROHIBITS "EVERY UNJUST OR UNREASONABLE OR DISCRIMINATORY CHARGE" FOR ELECTRICITY. FREE STREETLIGHTING TO THE D. C. GOVERNMENT WOULD VIOLATE THIS PROHIBITION BECAUSE IT WOULD DISCRIMINATE BOTH AGAINST THE OTHER AGENCIES TO WHOM PEPCO PROVIDES STREETLIGHTING WITHIN THE DISTRICT AND ALSO AGAINST PEPCO'S RESIDENTIAL AND COMMERCIAL CUSTOMERS. THESE CUSTOMERS WOULD BE FORCED

TO PAY FOR SOME OTHER CUSTOMER'S ELECTRICITY--WHILE D.C. D.O.T. PAID NOTHING.

THE HOME RULE ACT (SECTION 493) ALSO EXPRESSLY REQUIRES CHARGES MADE BY PUBLIC UTILITIES TO BE REASONABLE, JUST AND NON-DISCRIMINATORY. FREE STREETLIGHT SERVICE FOR THE D. C. GOVERNMENT WOULD VIOLATE THIS PROVISION.

WE HEARD MR. DOWNS TELL THE HOUSE D. C. APPROPRIATIONS SUBCOMMITTEE LAST MONTH THAT THE CITY WOULD PROPOSE TO THE PUBLIC SERVICE COMMISSION THAT OUR CUSTOMERS PAY FOR STREETLIGHT SERVICE NOT ONLY TO THE D. C. GOVERNMENT BUT ALSO TO THE ARCHITECT OF THE CAPITOL AND THE UNITED STATES PARK SERVICE. I PRESUME THE CITY TAKES THIS NEW AND QUITE ANOMOLOUS POSITION TO AVOID ONE OF THE DISCRIMINATORY EFFECTS OF ITS PROPOSAL. OUR CUSTOMERS SHOULD NOT PAY A SURCHARGE ON THEIR ELECTRIC BILLS TO LIGHT THE CAPITOL GROUNDS.

OTHER STATE PUBLIC SERVICE COMMISSIONS HAVE CONSIDERED WHETHER IT IS DISCRIMINATORY TO GIVE DISCOUNTED OR FREE ELECTRIC SERVICE TO A MUNICIPALITY OR GOVERNMENTAL ENTITY IN THE CONTEXT OF STATUTORY REQUIREMENTS WHICH ARE SIMILAR TO D. C.'S PUBLIC SERVICE COMMISSION LAW. VARIOUS COMMISSIONS, SUCH AS THOSE OF CONNECTICUT, RHODE ISLAND, NEW JERSEY, MASSACHUSETTS, MICHIGAN, NORTH CAROLINA AND ALABAMA, HAVE HELD THAT SUCH DISCOUNTS ARE DISCRIMINATORY AND ILLEGAL. IN NO STATE HAS A PROPOSAL SUCH AS THIS SURVIVED. I CALL YOUR ATTENTION TO A LEGAL MEMORANDUM APPENDED TO THESE REMARKS WHICH SETS FORTH PEPCO'S LEGAL POSITION IN GREATER DETAIL.

FOURTH, FREE STREETLIGHTING SERVICE FOR THE DISTRICT OF COLUMBIA GOVERNMENT WOULD BE UNCONSTITUTIONAL. AS NOTED, THE P.S.C, WHICH HAS SOLE AUTHORITY FOR SETTING ELECTRIC RATES IN THE DISTRICT, IS MANDATED TO SET RATES WHICH ARE JUST, REASONABLE AND NON-DISCRIMINATORY. TO SET RATES WHICH DISCRIMINATE BETWEEN IDENTICALLY SITUATED CUSTOMERS, AS THE PROPOSAL WOULD REQUIRE, WOULD VIOLATE THE EQUAL PROTECTION CLAUSE OF THE 14TH AMENDMENT TO THE UNITED STATES CONSTITUTION, WHICH IS APPLIED TO THE DISTRICT THROUGH THE 5TH AMENDMENT.

FURTHERMORE, TO FORCE RESIDENTIAL AND COMMERCIAL CUSTOMERS TO PAY A PREMIUM FOR THEIR SERVICE IN ORDER TO ENABLE ONE CUSTOMER TO GET ITS SERVICE FREE, WOULD BE TO TAKE THE PROPERTY OF THE PAYING CUSTOMERS WITHOUT JUST COMPENSATION OR DUE PROCESS OF LAW. SUCH ACTIVITY IS UNCONSTITUTIONAL BECAUSE IT CONTRAVENES THE 5TH AMENDMENT.

PEPCO IS SYMPATHETIC TO THE CITY'S STRAINED FINANCIAL CONDITION. WE STAND READY TO ASSIST D.C. D.O.T. IN EVERY LEGAL AND PRACTICAL WAY TO REDUCE ITS STREETLIGHTING COSTS, JUST AS WE HAVE AIDED OTHER CITY AGENCIES WHEN WE WERE CALLED UPON TO DO SO. SURELY, ALL OF US, WORKING TOGETHER, CAN FIND A BETTER ALTERNATIVE THAN THE NON-ALTERNATIVE PROVIDED IN THIS BUDGET. CITIZENS CANNOT SIMPLY WALK AWAY FROM BILLS WHICH THEY DO NOT WISH TO PAY, AND THE D. C. GOVERNMENT SHOULD NOT BE ABLE TO DO SO EITHER. I URGE YOU TO APPROPRIATE FUNDS WHICH THE CITY HAS REFUSED TO SET ASIDE TO PAY BILLS WHICH WILL SURELY COME DUE. THANK YOU.

MEMO FROM EDWARD A. CAINE, POTOMAC ELECTRIC POWER COMPANY

The Mayor of the District of Columbia has proposed that the FY 1984 appropriated budget for the District of Columbia government not include any funds with which to pay Pepco for streetlighting, streetlight equipment servicing and traffic signal costs. The purpose of the proposal is to provide electricity and services for the District's streetlights and traffic signals without cost to the government of the District of Columbia.

Whether or not these funds are budgeted and appropriated, the government of the District of Columbia is obligated to pay for these services in accordance with the Company's tariff which is effective under the Public Service Commission Law. District of Columbia v. Potomac Electric Power Co., 402 A.2d 430 (D.C. 1979).

Any requirement to provide free streetlighting and traffic signal services to the government of the District of Columbia would contravene the due process and just compensation clauses of the Fifth Amendment to the Constitution and the equal protection provisions of the Fourteenth Amendment applied to the government of the District of Columbia by the Fifth Amendment.

Further, without valid amendment to the Public Service Commission Law of the District of Columbia, only the Public Service Commission has the authority to set rates in this jurisdiction.* The Public Service Commission does not possess the authority to order free electric service to the government of the District of Columbia, and any such provision of free service to the government of the District of Columbia would specifically violate the anti-discrimination provisions of the Law.

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* In accordance with Sections 302 and 493(a) of the Home Rule Act, no amendment by the Council of the District of Columbia to the Public Service Commission Law of the District of Columbia in such a manner as to be inconsistent with the present provisions of the Law may become effective without ratification of the voters of the District of Columbia by referendum and concurrence of both Houses of Congress by concurrent resolution within 35 days after certification of the amendment to Congress.

A. Whether Or Not the Council of the District of Columbia Budgets for Streetlighting Expenditures, the Government of the District of Columbia Must Pay for Streetlighting in Accordance with the Rates for Streetlighting Established by the Public Service Commission

By law, the Public Service Commission has sole authority for rates for electric service in the District of Columbia. District of Columbia v. Potomac Electric Power Co., 402 A.2d 430 (D.C. 1979), D.C. Code §43-402 (1981 Ed). Upon determination by the Commission that a rate is "just, reasonable and non-discriminatory," Pepco is obligated to charge that rate and the customer is also obligated to pay that rate. District of Columbia, supra 402 A.2d at 436; D.C. Code §43-302 (1981 Ed). The District of Columbia is a Pepco customer and therefore is obligated to pay the rates for streetlighting and traffic signal service as promulgated by the Commission.

In District of Columbia, supra, 402 A.2d at 440, the District of Columbia Court of Appeals considered the question of whether an appropriations limitation on the amount of money which the District of Columbia government could expend for streetlighting (2 cents per KWH) relieved the District of Columbia government from its obligation to pay a rate set by the Commission in excess of that limitation. The Court held as follows:

> "The two cents per KWH limitation does not affect the plenary jurisdiction of the PSC to establish just, reasonable, and nondiscriminatory rates, nor [does] it relieve the District of its obligation to pay Pepco the full amount due under the admittedly just, reasonable, and nondiscriminatory rates which have been authorized by the PSC". (Emphasis supplied)

Therefore, whether or not the Council of the District of Columbia were to budget for streetlighting and traffic signal service for the District of Columbia government such action would have no effect upon the District of

Columbia government's overriding obligation to pay for such service in accordance with the rates fixed by the Public Service Commission.

B. Free Streetlighting Service to the District of Columbia Would be Unconstitutional

The enactment of a statute or the establishment of a utility rate requiring the provision of free streetlighting service to the District of Columbia government would contravene the due process and just compensation clauses of the Fifth Amendment and the equal protection provisions of the Fourteenth Amendment as applied to the government of the District of Columbia through the Fifth Amendment to the United States Constitution.

The District of Columbia government is one of several identically-situated streetlighting customers who are currently taking service from Pepco under the rates established by the Public Service Commission for electricity for streetlighting energy and for servicing of streetlight equipment. The proposal to provide free streetlighting service to the District of Columbia government would require the establishment of a new class of utility service wherein the District of Columbia government would receive preferential treatment not only as to other streetlighting customers, but as to all other Pepco customers in that the District of Columbia government alone would receive electric service at no charge, with the entire cost of such service to be borne by all other users of electric service. Such preferential treatment would constitute undue discrimination in favor of the District of Columbia government which would have no rational basis. As such, the proposal would contravene the equal protection clause. Minnesota v. Clover Leaf Creamery Co., 449 U.S. 456, 461 (1981); Western and Southern Life Insurance Co. v. Board of Equalization, 451 U.S. 648, 668 (1981). Moreover, the proposal to establish a preferential rate for District of Columbia government streetlighting service would create an undue discrimination within the existing class of streetlighting customers, including both federal governmental streetlighting customers and the District of Columbia government, who are all receiving identical streetlighting service under the uniform rates established by the Public Service Commission.* Clover Leaf Dairy, supra; Western and Southern Life Insurance, supra; See also, North Carolina v. Wilson, 114 S.E.2d 786, 35 PUR3d 141, 148-149 (N.C. 1960).

The enactment by the government of the District of Columbia of a provision requiring free streetlighting service also would deprive both Pepco and its customers of due process and result in the taking of their property without just compensation. In North Carolina v. City of Wilson, 114 S.E.2d 786, 35 PUR3d 141 (N.C. 1960), for example, the Supreme Court of North Carolina declared unconstitutional a state statute which attempted to validate a franchise agreement granting preferential rates for telephone service to a municipality on the ground, inter alia, that the statute "offended the due process provisions of both the state and federal constitution." 35 PUR3d at pp. 148-149.

C. Free Streetlighting Services To The District of Columbia Government Would Violate District of Columbia Law

The District of Columbia Court of Appeals has held that the District of Columbia Public Service Commission Law (Title 43, D.C. Code) is a broad enabling act giving the Public Service Commission plenary, original and exclusive jurisdiction to fix rates in the District of Columbia which must be "reasonable, just and non-discriminatory." In District of Columbia v. Potomac Electric Power Co., 402 A.2d 430 (D.C. 1979), wherein the District of Columbia government unsuccessfully appealed a decision of the Superior Court of the District of Columbia requiring the payment for streetlighting service in accordance with rates established by the Public Service Commission, the Court concurred in the reasoning of the Superior Court that:

> "Congress has granted the Public Service Commission exclusive, plenary jurisdiction to establish just, reasonable and non-discriminatory rates for electricity consumed by the District of Columbia, including that used for streetlighting purposes." 402 A.2d at p. 434.

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* In addition to the District of Columbia, other customers served under the streetlighting tariff provisions established by the Public Service Commission are (1) the National Park Service and (2) the Architect of the Capitol.

In the exercise of its exclusive, plenary authority to establish rates for streetlighting service, the Commission must set rates which are just, reasonable and non-discriminatory. Section 43-402 of the District of Columbia Code provides in pertinent part as follows:

> "There shall be a Public Service Commission whose function shall be to insure that every public utility doing business within the District of Columbia is required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable. The charge made by any such public utility for any facility or services furnished; or rendered, or to be furnished or rendered, shall be reasonable, just, and nondiscriminatory. Every unjust or unreasonable or discriminating charge for such facility or service is prohibited and is hereby declared unlawful." (Emphasis supplied).

Section 43-501 further provides:

> "Every public utility doing business within the District of Columbia is required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable. The charge made by any such public utility for any facility or services furnished, or rendered, or to be furnished or rendered, shall be reasonable, just, and nondiscriminatory. Every unjust or unreasonable or discriminatory charge for such facility or service is prohibited and is hereby declared unlawful. Every public utility is hereby required to obey the lawful orders of the Commission created by Chapters 1-10 of this title." (Emphasis supplied).*

The provision of free streetlighting service to the District of Columbia government would violate the foregoing provisions of the Public Service Commission Law in that it would improperly provide a preference to the District of Columbia government over all other customers, and within the service class of streetlighting would grossly discriminate against the remaining streetlighting customers (the federal government).**

Many state public service commissions have considered the issue of whether it is discriminatory to give a discount to or to provide free service to a municipality or governmental entity in the context of statutory requirements analogous to the requirements of the District of Columbia Public Service Commission Law that rates shall be just, reasonable, and nondiscriminatory. The various commissions have held that such discounts are discriminatory and thus illegal See, e.g., Re Southern New England Telephone Co., 57 PUR NS 129 (Conn. 1945); Re Western Union Telegraph Co., 64 PUR NS 254 (N.C. 1946); Re New England Telephone and Telegraph, 77 PUR NS 469 (R.I. 1948); U.S.A. v. Alabama Gas Co., 75 PUR NS 185 (Ala. 1948); Re Jersey Central Power & Light Co., 75 PUR NS 183 (N.J. 1948); Re Cambridge Electric Light Co., 96 PUR NS 77 (Mass. 1952); Re Michigan Gas Utilities Co., 40 PUR3d 461 (Mich. 1961); Re Michigan Gas Utilities Co., 47 PUR3d 15 (Mich. 1962).*

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* Reference should also be made to Sections 43-302, 43-303 and 43-304 of the D.C. Code which specifically prohibit discriminatory rates and provide penalties therefor.

** Insofar as the results of the proposal would be to force the federal government to pay higher rates for streetlighting (as well as other electric services), the proposal could be said to violate the budgeting process under the Home Rule Act in general and to violate Sections 302 and 602(a)(3) of that Act in particular.

In North Carolina v. Wilson, 114 S.E.2d 786, 35 PUR3d 141 (N.C. 1960), the Supreme Court of North Carolina struck down an act of the North Carolina legislature granting preferential rates for telephone service to certain municipal governments. The Court stated:

> "the commission urges that the court erred since free or reduced telephone service to municipalities is a tax prohibited by law, and is discriminatory both as between towns which are similarly situated and as between those towns and individual ratepayers living in towns or in the country. Hence, the

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* While various courts have upheld the establishment of preferential rates for utility service to municipalities, such decisions have been made in the context of pre-existing franchise contracts, which the courts have not been willing to set aside. Such cases have no applicability to Pepco since contract and franchise rights are nowhere involved. See, e.g., the statement of the Chairman of the House Subcommittee on District of Columbia Appropriations, placed into the record of the hearings on the 1958 Appropriations Act (at pages 654, et seq.):

> "* * * Morover, there are elements of cost entering into the furnishing of streetlighting service which did not exist when the fiscal 1913 Act was enacted; as, for instance, income taxes. Rates for streetlighting service should be governed by the same tests for fairness and reasonableness by the regulatory commission as are rates for other electric service.
>
> "Street-lighting service in the District of Columbia cannot be compared to that in other cities where rates for such service are coupled with franchise considerations. Potomac Electric Power Co. (Pepco) does not have a franchise, as such, in the District of Columbia giving it the right to use public-street space, either in perpetuity or for specific periods. * * *" (Hearing Record, at p. 656).

> commission stressfully contends that the act is unconstitutional (1) because it offends the due process provisions of both state and federal Constitutions, (2) because it is not a uniform tax, (3) because it interferes with vested rights, and (4) because it is an attempt to surrender the police power of the state.
>
> In the light of these principles the court holds that the 1959 act above referred to is unconstitutional." 35 PUR3d at pp. 148-149.

In Duke Power Co. v. Blue Ridge Electric Member Corp., 117 S.E.2d 812 (N.C. 1961), the Supreme Court of North Carolina considered whether a municipality could, by the device of a franchise, procure favored treatment for itself in the form of a discount for utility services received to the detriment of the other customers. Relying on its decision in North Carolina v. Wilson, supra, the Court held that the municipality could not trade a franchise for discounted service, 117 S.E.2d at 819. The Court went on to note that other courts had considered the question of the authority of the public service commission as compared to the municipality to determine the operation of public utilities and that courts have generally interpreted the public utility statutes in favor of the ultimate authority of public utility commissions to authorize rates.

> "Generally, however, the power given by statute to public service commissions to supervise and regulate public utilities supersedes the power of municipalities to regulate such utilities, except where the power is specifically reserved to the municipalities. 43 Am Jur 702." Duke Power Co., supra, at 819.

The provision of free streetlighting service to the District of Columbia government would also violate the antidiscrimination provisions of the Public Service Commission law by establishing unequal treatment for District of Columbia streetlighting service as compared to streetlighting service for the federal government. In City of Plainfield v. Public Service, Etc., 412 A.2d 759 (N.J. 1980), the New Jersey Court held that a contract between the city of Plainfield and an electric utility company which called for free electric service to certain municipal buildings so long as the utility used the city streets was in contravention of the state public utility act analogous to the District of Columbia prohibition against discriminatory rates. A contract setting unreasonable preferences -- free utility service for a particular municipality -- was found by the Court to be inequitable to like consumers in their municipalities, 412 A.2d at p. 763-65.

The provision of free streetlighting service to the District of Columbia would, moreover, improperly require the cost of the municipal function of streetlighting to be distributed among Pepco's other customers -- a group which is not coincident with the taxpayers of the District who must ultimately pay the costs of municipal services.

The question of the propriety of the preferential treatment of governmental utility customers has been addressed in a number of prior cases. In a frequently-cited decision, the Massachusetts Department of Public Utilities considered the question of a discount to a municipal government for streetlighting service, and determined such a discount was inappropriate and the municipal government should be considered "strictly as a customer of the electric utility." Re Cambridge Electric Light Co., 96 PUR NS 77, 87 (Mass. 1952). The Massachusetts commission explained that the fact that the taxpayers of the municipality upon whom the burden of streetlighting costs fall are in large measure also individual customers of the utility company does not permit the utility to furnish service to the municipality except at fair and reasonable rates which will provide the utility a fair return on the property allocated to service provided the municipality. Re Cambridge Electric Light Co., supra, at 87, citing Re Mayor of Springfield, D.P.U. 6368; Re Boston Edison Co., 90 PUR NS 79 (Mass. 1951). See Detroit v. Water Commrs., 108 Mich. 494, 66 N.W. 377. The Massachusetts commission stated, inter alia,

> "A municipal government is to be considered strictly as a customer of the electric utility. The fact that the taxpayers upon whom the burden of municipal costs fall are in large measure also individual customers of the utility does not permit the utility to furnish service to the municipality except at fair and reasonable rates . . . ." 96 PUR(NS) at p. 87.

In Re Boston Edison Company, 90 PUR(NS) 79 (Mass. 1951), the Massachusetts commission stated with respect to the establishment of streetlighting rates to be charged to the City of Boston and other cities,

> "That the customers in this case are municipalities and that the load thus eventually falls on the taxpayers instead of

> on the general domestic and other customers of the company, who may or may not be the same persons, is not a consideration in setting rates for such service.
>
> * * * *
>
> "We are living in an era [1951] of sharply increased prices, which we are compelled to recognize both by the evidence and by our ordinary intelligence. A municipality cannot escape these conditions any more than can any citizen or any other ratepayer . . . . It is no more than what every one of us is forced to do in his own affairs." 90 PUR(NS) at 82, 84.

D. Enactment of Any Proposal by the Council of the District of Columbia which Would Require Free Streetlighting Service to the Government of the District of Columbia Would Not Make the Legislation Effective Under the Home Rule Act

The legislative power of the Council of the District of Columbia under the Home Rule Act is subject to the limitations set forth in section 302, which section would apply to any proposed requirement for free streetlighting service. Section 302 of the Home Rule Act provides:

> "LEGISLATIVE POWER
>
> "SEC. 302. Except as provided in sections 601, 602, and 603, the legislative power of the District shall extend to all rightful subjects of legislation within the District consistent with the Constitution of the United States and the provisions of this Act subject to all the restrictions and limitations imposed upon the States by the tenth section of the first article of the Constitution of the United States." (emphasis supplied).

The Mayor's proposal, if enacted as a substantive amendment to the Public Service Commission Law would establish patently discriminatory rates in direct contravention of Section 493 of the Home Rule Act and Sections 43-402, 43-501 and 43-301 - 43-303 of the Public Service Commission Law. Section 493(a) of the Home Rule Act provides in pertinent part that:

> "There shall be a Public Service Commission whose function shall be to insure that every public utility doing business within the District of Columbia is required to furnish service and facilities reasonably safe and adequate and in all respects just and reasonable. The charge made by any public utility for any facility or services furnished, or rendered, or to be furnished or

> rendered, *shall be reasonable, just and nondiscriminatory*. Every unjust or unreasonable or discriminatory charge for such facility or service is prohibited and is hereby declared unlawful." (emphasis supplied).

Section 303 of the Home Rule Act provides that Section 493 may only be amended by an act passed by the Council of the District of Columbia which is ratified by a majority of the registered, qualified electors of the District voting in a referendum held for such ratification, and which is ratified by concurrent resolution of both Houses of Congress within 35 days after enactment is certified to Congress. This procedure, however, does not apply to any proposal which would apply to the federal government or its property. Sections 302 and 602(a)(3). In such circumstances the Council may not act at all. Since electric rates to the federal government would be directly increased for streetlighting (as well as other purposes) if the District of Columbia government were to actually receive free streetlighting services, such a legislative proposal would be prohibited by the Home Rule Act.

CONCLUSION

Failure to budget and appropriate funds with which to pay Pepco bills for streetlighting services would not relieve the District of Columbia government from its obligation to pay those bills in accordance with the Company's tariff in effect pursuant to the Public Service Commission Law.

Action by the Public Service Commission under the Public Service Commission Law or amendment by the Council of the District of Columbia of that Law (even if otherwise effective after application of all the limitation provisions of the Home Rule Act) to require the provision of free streetlighting services to the government of the District of Columbia would contravene the due process and just compensation clauses of the Fifth Amendment to the Constitution and the equal protection provisions of the Fourteenth Amendment as applied to the government of the District of Columbia by the Fifth Amendment.

Such action by the Commission would violate the anti-discrimination sections of the Public Service Commission Law: such amendment of that Law by the Council of the District of Columbia would violate the limitation provisions of the Home Rule Act.

Edward A. Caine

DISTRICT OF COLUMBIA FIREFIGHTERS' ASSOCIATION

STATEMENT OF WILLIAM MOULD, PRESIDENT

ACCOMPANIED BY KENNETH COX, VICE PRESIDENT OF LOCAL 36

Senator SPECTER. Our next witness is Mr. William Mould, president of the District of Columbia Firefighters' Association.

Welcome, Mr. Mould. We appreciate your being with us. Would you identify your companion for the record?

Mr. MOULD. Thank you, Mr. Chairman. With me today is Kenneth Cox, vice president of Local 36.

My name is William E. Mould. I am president of the District of Columbia Firefighters' Association, Local 36, International Association of Firefighters, AFL–CIO.

We have submitted our written testimony, and I would like to summarize that as briefly as possible.

We have four basic issues that we would like to talk to you about this morning. We were here and heard the Fire Chief of the District of Columbia testify before your committee, and, as you so accurately described at that time, he was not a confirmed Fire Chief at that time, so certainly he was treading on pins and needles, I think, as he gave his testimony.

We want to try to highlight some of the problems that we felt that he had.

We appeared before this subcommittee last spring to testify on the Air Florida crash and the Metro disaster that we had had the previous year and had urged the committee to support the recommendations of the National Transportation Safety Board to staff our four heavy-duty rescue squads here in the city that have been operating on a part-time basis. The committee saw fit to restore to the Fire Department budget the $1.2 million that would enable the city to place the rescue squads in service for the remaining part of 1983, which would have been in April, and issued a directive to the city to have those in place by September 30, of this year.

To date, none of the units are in service, and the city has been dragging their feet in implementing this program, even though the money is in place and in the budget. To date, we are told they have 10 people out of 90 people that need to be in place in order for the rescue squads to be in service by September 30. We just wanted to bring the committee up to date on that issue and let them know that the city, it appears to us, is trying to circumvent the intent of the Congress in this case for the Fire Department as they had in previous years with the Police Department where the Congress had issued directives to them to put more police officers on the street.

So that is our primary concern.

Our secondary concern is the fireboat. As you know, the D.C. Fire Department has the only fireboat in the metropolitan area. It protects not only the waterfront of the District of Columbia, but also that of Virginia, taking into consideration the many restaurants and buildings that have sprung up on the waterfront in the last couple of years and the projects that have been anticipated. There have been a number of those in the paper within the last week.

But at the same time the city is proposing to reduce the staff on the fireboats from the present five to only two men, and we are adamantly opposed to this, and the Chief has highlighted in his testimony that they propose to use land-based units to supplement the fireboat, and he laid out a program as to how they anticipate doing that by using two engine companies that are located fairly close to the fireboat to supplement it.

Well, what he didn't bring out is that one of the companies that he intends using is the same company that provides the fire rescue support to the President and Vice President's helicopter, and they are on call both day and night, and spend a great deal of their time going back to the White House and to the Naval Observatory.

So, as you can see, the chances of their being available at the same time the fireboat is called out are slim.

The other company that he had proposed using is one that is relocated to the southeast area of the city on the average of probably once every 2 or 3 days, in addition to the normal calls that it responds to in its own area.

So we think that reducing the staff is not a viable approach to this fireboat problem, and we ask you to take a look at that.

EFFECTS OF PROPOSAL TO CLOSE CLINIC

The other area, and we testified over on the House side yesterday, is the city's proposal to eliminate or relocate the Police and Fire Department Clinic. The city has been providing medical care to its police officers and firefighters since 1901 in a clinic atmosphere, specifically designed and administered by police and firefighter surgeons. They are now proposing to send firefighters and police officers out to health clinics and decentralize the whole program, in what they say is a cost-effective or efficient way to handle it.

Yesterday, in testimony on the House side, the city addressed Chairman Dixon and told him they don't have a final plan, even though the markup is due, I believe, later this week or next week, that there is no final plan in place as to how to provide the medical attention that firefighters and police officers need, and we believe this decentralization as proposed by the city will end up costing a great deal more than they anticipate saving, or more than they spend right now.

They have a budget of approximately $2 million. Their proposal is that they are going to save upward of $500,000, but yesterday they could not say where they would save it.

Senator SPECTER. How much more do you think it will end up costing the city?

Mr. MOULD. I would say it is going to end up costing them upward of $500,000 more. The reason for that is the administrative process that it takes now to handle it when it is centralized. They have a great deal of problems with papers getting lost, and getting things done in a timely fashion.

Under their plan, an officer or fireman might go to a clinic in the northwest section, and next day to one in the southwest.

Senator SPECTER. I would like to shift the subject back to the ambulance. You mentioned the response time of a District ambulance is over 8 minutes. How does that compare to other jurisdictions in the region?

Mr. MOULD. It is the highest in the area. I think 3 to 5 minutes would be an acceptable timeframe.

Senator SPECTER. What do you think has to be done to get it down to that range?

Mr. MOULD. There is one idea on that to screen calls, which I think is a difficult procedure. The way that works, the person who receives the call at the communications section would determine whether this is an emergency. I think it has been tried in other cities.

Senator SPECTER. Do you think a better determination of what is a real emergency——

Mr. MOULD. Rather than do that, I think an education process of the general public would be a better way to go about it.

Senator SPECTER. How would you approach that?

Mr. MOULD. The school system, the media, both recorded and print.

Senator SPECTER. To try to cut down the number of requests which come in?

Mr. MOULD. To try to emphasize to the general public that it is an emergency service. I would say probably—and I am just talking off the cuff, because I don't have a whole lot of information on it—but just by going to the calls myself I would say possibly 40 percent of the calls are not true emergencies in the sense of life or death situations.

Senator SPECTER. Any other subject you would like to bring to our attention?

Mr. MOULD. One other, and I think at the end of the Fire Chief's testimony you said something like this: "Chief, if I had a pocket of money here and you needed it, is there anything that you would like to spend it on?" I think the only comment he had was the emergency ambulance service, that he would take some of the extra money that you might have available and put it into the ambulance service.

I think that is a critical issue. There is one other thing that I believe we would like to have in the city, and we are one of the few metropolitan areas that do not have them, in the country, and that is a hazardous materials team.

It is basically—we have been going around with our hands out to the various government agencies——

Senator SPECTER. What kind of materials, Mr. Mould, would you encompass in that?

Mr. MOULD. Well, it basically has to do with chemical leaks, chlorine, ammonia——

Senator SPECTER. Who handles that at the present time?

Mr. MOULD. There is no one. I think we would have to call in somebody from a plant.

Senator Brock. When did you last have a problem in the District of Columbia?

Mr. [illegible]. Well, we have ammonia leaks and chlorine leaks and things like that, probably a couple a month. Some are greater than others.

Senator Brock. Who handles them?

Mr. [illegible]. The Fire Department handles them, but not to the degree of efficiency that I think they would normally be handled.

Senator Brock. Does the Fire Department have anybody who is capable to handle them?

Mr. [illegible]. Yes; we have men who have gone to the fire academy up in Emmitsburg, and we have one member of the Fire Department who, on his own time, has gotten a degree up there and now teaches for the fire academy. He is the one who has been proposing such a plan for the District and has offered his free time, and he is the one going around putting materials together.

Really, what we need now is some type of vehicle.

Senator Brock. I would appreciate it if you would supplement your prepared remarks with what you think ought to be done in this line. This is a very important subject.

Mr. [illegible]. We have that available.

Senator Brock. Thank you very much for being here.

[The statement and supplements follow:]

STATEMENT OF WILLIAM E. MOULD

Senator Specter, members of the Sub-Committee and staff, my name is William E. Mould, President of the District of Columbia Fire Fighters Association, Local 36, International Association of Fire Fighters, AFL-CIO. Accompanying me is Kenneth M. Cox, Vice President of Local 36 and legislative liaison.

It is almost a year to the day that we appeared before this Committee to testify on the FY 1983 budget for the D.C. Fire Department. The events of January 13, 1983 were still fresh in our minds. The dual tragedies that struck within minutes of each other, caused the entire world to focus on our City and the heroic efforts of its rescue workers. The tragedies themselves became the subject of numerous investigations as city and federal agencies probed into their causes and also the ability of the city to simultaneously handle major emergencies. The one recommendation of the National Transportation Safety Board was to "require the District of Columbia Fire Department to review its planning for maintaining its rescue squad capability at all times". These units currently are operated on a part-time basis. They have a cost factor of approximately $200,000 each when fully equipped with rescue equipment, tools and appliances, medical and surgical supplies, one hour breathing masks for subway fires etc. The department currently has four of these vehicles and they are equipped with everything - except manpower. To us it was folly to have these units, with all the above mentioned equipment - and more - sitting idle in a fire station because of the lack of five firefighters to place them in service. Time and tragedies have a way of changing things. We feel the committee, under the leadership of Senator D'Amato and the support of yourself, demonstrated good judgement by adding 1.2 million dollars to the Fire Department's budget to place these four units in service on a full time basis. Today we have returned to this committee to personally say thank you - not only from the firefighters, but for the citizens, workers and visitors to whom these units will provide life saving service. We were encouraged by the testimony of Fire Chief Coleman as he stated the department would have all four rescue units in full time service by the end of September, 1983. Once again, to you, your committee and staff, we say thanks.

Concerning the 1984 Fire Department's budget, we believe you should closely examine the plans of the department to reduce the crew of the Fire Boat from a present staffing of five, to a reduced crew of two. The rest of the crew would be supplied by a land company which would respond to the pier when the boat received an alarm. We urge you to reject this idea as not in the best interest of the taxpayers and is not an efficient way to run a rescue operation when seconds are vital. This has the same resemblance of our part-time rescue squad operations which ultimately had to be scrapped. Let us examine, for a moment, the two units the department proposes to use to augment the reduced crew of the Fire Boat, Engine Co. 7 and Engine Co. 13.

Engine Co. 7 during FY 1982 had a total response of 1,419 calls. In addition they are utilized as a prime transfer company for relocation to Greater Southeast when those units are engaged in a serious fire - (which is frequent). The likelihood of Engine Co. 7 being unavailable for a response to augment the Fire Boat crew is very great, particularly because many of the response assignments that the Fire Boat is due on, Engine Co. 7 is also "first due". The waterfront area of our city has undergone a tremendous amount of redevelopment with shops, restaurants, hotels etc., plus an increase in the boating and yachting population. It seems criminal to reduce the fire/rescue protection that these taxpayers and owners are entitled.

Engine Co. 13, the department's next choice to augment the reduced Fire Boat crew is charged, in addition to the fire/rescue operations with the responsibility of security details at the White House for the landing and take offs of the Presidential Helicopter. Last year Engine Co. 13 had a total response of 1,185 calls - of which approximately 300 were to the White House for security details. We doubt very seriously if the U.S.

Secret Service will be in favor of chancing the unavailability of Engine Co. 13 for a White House detail because of augmenting the staff of the Fire Boat. This whole concept seems backward and we urge the committee to retain the present staffing levels and avert any potential problems like we suffered with the part-time rescue squads.

Many rumors have been circulating throughout the department with regards to the closing or relocating of the Police and Fire Clinic. We urge the committee to carefully consider the ramifications of such a move and to consider the consequences, not only to the city in terms of money, but the effect on the morale of the rank and file. Local 36 believes that through better management the current clinic could be made more cost effective. The proposed move of transplanting the clinic to D.C. General seems to take one problem and compound it by giving it to an agency that is reported to have severe financial problems of its own. The transfer of several thousand police officers and firefighters to an already overcrowed facility doesn't seem to make good sense.

In closing, we would like to report that the productivity of the D.C. Fire Department is steadily on the rise. The reduction of false alarms, caused by the elimination of the street corner "hook and run" boxes, and replaced by telephones, has allowed our units greater availability for emergency medical responses. The Fire Chief reported the average ambulance response time of city ambulances is still over eight minutes. The present operating procedure of responding the closet engine company to life threatening emergencies has become an integeral part of our daily duties and is essential to the saving of lives, particularly with cases involving cardiac arrest where CPR must be started immediately. Our Fire Fighting Emergency Response Units are usually on the scene in less than 3-5 minutes, administering life saving measures while awaiting the basic life support units and the services of our paramedics.

Finally, we would be remiss if we didn't commend your staff for their interest in the safety and well being of the citizens, workers and visitors in the Nation's Capitol. We have found them always willing to listen and always willing to work with us in our endeavors to maintain the high degree of fire/rescue protection the Nation's Capitol deserves.

STATEMENT OF HARRY H. SHAFFER, ASSISTANT FIRE CHIEF

I am Harry H. Shaffer, Assistant Fire Chief Operations of the District of Columbia Fire Department. I am pleased to be here today to testify on behalf of Fire Chief Theodore R. Coleman concerning our response to major emergencies occurring within the District of Columbia and our coordination with public safety officials of other jurisdictions.

When emergencies occur within the District of Columbia the coordination of fire suppression units, rescue squads, basic life support units and advanced life support units begins with the initial dispatch. Fire suppression, rescue, and emergency medical assistance are all the responsibility of the Fire Department and units are dispatched by the Communications Division of the Fire Department. Coordination at the scene is a function of the senior fire official on the scene who is the incident commander. The Metropolitan Police Department is notified, by the Fire Department dispatcher utilizing the direct line to their communication section, of all dispatches for the report of fires. The Metropolitan Police Department responds in accordance with their rules for dispatch and if their pressence is needed at the scene of an emergency to which they have not responded the incident commander will request their presence. Should the emergency involve a large number of casualties the provisions of the Mass Casualty Incident Plan will be followed. The Mass Casualty Incident Plan, a copy of which is attached, was developed to provide for the expeditious handling of large numbers of injured persons. The plan was tested at the Metrorail Incident exercise conducted on November 7, 1982 and revised. The overall coordination of all units responding to any emergency is carried out at the Command Post established near the scene.

Frequently emergencies occur on or near jurisdictional boundaries. Responsibility for an incident rests with the jurisdiction in which it occurs. When District of Columbia Fire Department units respond to an incident which is found to be in another jursidiction they yield to the public safety officials of the jurisdiction in which the incident has occurred. If units from that jurisdiction have not yet arrived, the District of Columbia units will take whatever action is indicated by the nature of the incident until units from that jurisdiction arrive.

The District of Columbia has entered into mutual aid agreements with all of the surrounding jurisdictions and the resources of these jurisdictions are available as needed. This could be anything from fire suppression units to a single specialized unit such as a hazardous materials response team. The response of the surrounding jurisdictions to requests for mutual aid have been satisfactory.

The District of Columbia Fire Department is prepared to respond to emergencies involving fire, structural collapse, transporation accidents and to calls for emergency medical assistance. The Department as yet has not been called upon to respond to a serious radiological or hazardous material incident. Also, we have not yet experienced a serious fire in the metrorail system. In order to be prepared to handle a serious radiological incident additional training is needed and our radiological monitoring instruments need to be reviewed to determine if they are adequate in light of the current state of the art. Training and equipment is needed in order to place a hazardous material response team in service. Until this is accomplished our ability to handle incidents involving hazardous materials is limited. The Department is also in need of a Command/Communications Vehicle and an Emergency Medical Supply Delivery Vehicle. A vehicle has been obtained which will be equipped for use as a Command/Communication Vehicle but as of this time no vehicle has been located which will be suitable for the delivery of emergency medical supplies to the scene of a mass casualty incident.

Following the events which occurred on January 13, 1982, the Metropolitan Washington Council of Governments appointed the Metropolitan Emergency Response Task Force to prepare recommendations to improve the region's emergency management and response capabilities. The Council of Governments Fire Chiefs committee appointed a subcommittee of senior operations officers to ensure that the recommendations of the Task Force were implemented. The subcommittee has been working diligently towards this objective and also the development of an Operational Plan, sufficiently generic in nature, that it may be used by both Police & Fire Departments. Regardless of the final product, whether a single plan or separate plans for Police and Fire, the development of the plan is being carefully coordinated with all public safety officials and the D.C. Office of Emergency Preparedness to ensure compatibility.

As previously mentioned, the District has never experienced a serious radiological or hazardous material incident. Should an incident of this type occur, federal assistance would be needed and requested. Also, a serious transportation accident such as a plane crash would require the presence of federal officials as well as highway or rail incidents involving hazardous materials.

I would like to thank the subcommittee for affording the Fire Department the opportunity to express its views.

EQUIPMENT FOR HAZARDOUS MATERIALS EMERGENCIES

I. District of Columbia Fire Department resources that will be utilised for emergencies involving hazardous materials:

A. Two heavy rescue type vehicles with a crew of 5, manned 24 hrs/day.
B. A vast inventory of tools and equipment carried on these vehicles.
C. Long duration breathing apparatus (Scott 4.5 and Bio Marine).
D. Three (3) Chlorine Kits for Chlorine emergencies.
E. Training equipment and facilities.

II. General catagories of equipment that the Fire Department needs to acquire in order to properly equip a Hazardous Materials Team:

A. Protective Clothing:

1. Environmental suits for toxics, poisons, acids, etc..
2. Nomex jump suits.
3. Several types of protective gloves.
4. Slicker type clothing
5. Temporary clothing for PCB spills etc..

B. Decontamination Materials:

1. Clean temporary clothing to replace contaminated clothes
2. Cleansing materials, eye wash, etc..
3. Wading pools.
4. Portable shower facilities.

C. Leak and Spill containment equipment:

1. Absorbant pads, pillows, etc.
2. Booms.
3. Plugging and clamping tools
4. Assorted hand tools adapted for leak and spill control
5. Spark-proff tools for use around flammable materials
6. Diking materials
7. Neutralising materials for acids, caustics, etc..
8. Recovery (Overpack) Drums for disposal

D. Detection Equipment:

1. Several sets of binoculars (for each BFC car)
2. Detection devices for gases, poisons, radioactives, etc.
3. Air quality indicators
4. Portable weather detecting devices (wind direction and speed etc.)

E. Communications equipment:

1. Regional and multi-agency radio
2. Mobile telephone
3. Bull horns

F. Reference Library of Chemical Information:

1. Several technical manuals and texts.
2. Micro-computer to store chemical and emergency operations information to be used on the scene.

G. Training Materials:

1. Visual aid equipment for training and data collection.
2. Monies to send team members for outside training

APPROXIMATE COST FOR ABOVE MENTIONED EQUIPMENT: $60,000.00!

RESCUE SQUADS TO RETURN TO FULL DUTY STATUS

On December 23, 1982 President Ronald Reagan signed into law PL 97-378, the District of Columbia Appropriations Act of 1983. This included 1.2 million dollars for the expressed purpose of restoring four heavy duty rescue squads to a full duty status, replacing the part time combination engine/squad units established due to budget limitations placed upon the fire department. The citizens, workers and visitors of the Nations Capitol will be afforded a greater degree of fire protection and emergency medical service as these specialized units are placed back into full service.

The signing into law of this appropriation, for members of your Executive Board, was the final act of a drama that began to unfold one year ago on January 13th when the double tragedy struck the city of Washington in the form of the Air Florida Flight 90 crash into the 14th Street Bridge and Potomac River followed by the Metro Rail derailment thirty minutes later in the tunnel beneath the Mall. Vice President Kenneth Cox began to gather background information that would be the basis of Local 36's testimony before the City Council and the Congress. Congressman Stan Parris made it possible for Local 36 to testify before the Congressional Committee which was holding hearings on the city's ability to deal with disasters. This hearing would prove to be the vehicle which placed our testimony in the hands of the National Transportation Safety Board and give our lobbying efforts creditability when the Board issued their final report which stated "require the District of Columbia Fire Department to review its planning for maintaining its rescue squad capability at all times."

Space does not permit the documentation of the testimony that was presented before the City Council and the various legislative committees on Capitol Hill; the intense questioning by Capitol Hill staffers as to why these units should be placed back in full service; the cooperation of the news media through the Editorial Director of Channel 9, Rich Adams and Reporter Kent Jarrell; the assistance provided by our International Association of Fire Fighters and our fellow fire fighters throughout the nation as they contacted their congressional representatives and urged them to support the additional funding; the findings of the National Transportation Safety Board and their recommendations; Frank Palumbo for his liaison with the New York City Fire Fighters; Ray Hemmert, 4th District Vice President of the IAFF, John McMenamin and the support of Local 22, Philadelphia, Pennsylvania; Al Whitehead, Secretary-Treasurer of the IAFF and Dan Terry of the Federated Fire Fighters of California; congressional staff persons who assisted and whose guidance proved to be most valuable; Congressman Stan Parris for his providing the opportunity to testify and become part of the process; Senator Al D'Amato for his key role in adding the language that provided the additional funding for the rescue squads; and Congressman Julian Dixon who persuaded the House conferees to support the action of the Senate.

All the testimony, lobbying, letters, telegrams and telephone calls and a most effective personal lobby were directed towards one final goal. The House/Senate Conferees meeting on December 15, 1982 which reached a final compromise. From the Congressional Record we quote — "Fire Department — The conference action provides $47,569,000 instead of $46,369,000 as proposed by the House and $48,769,000 as provided by the Senate. The increase of $1,200,000 will allow the Department to fund 93 additional positions to staff the four heavy duty rescue units with separate crews beginning in April 1983. The Conferees are agreed that the four units are to be fully staffed with separate crews by September 30, 1983."

THE WASHINGTON TEACHERS' UNION

STATEMENT OF WILLIAM SIMONS, PRESIDENT

ACCOMPANIED BY CHARLES R. BRAXTON, LEGISLATIVE REPRESENTATIVE

Senator SPECTER. Next is Mr. William Simons, president, the Washington Teachers' Union.

Mr. SIMONS. Thank you, Senator. With me is Charles Braxton, the legislative assistant for the Washington Teachers' Union. You have copies of the statement, so I will not read that, but simply say to you that while the budget is inadequate as far as the union is concerned, it is one which we can live with for fiscal year 1984, and we would simply ask that the committee leave it intact and leave it as a line item in the budget.

I would also say that I am pleased with the current discussion that is taking place nationwide with respect to the status of public education in the United States, and I am hopeful that from these discussions will come some positive efforts——

Senator SPECTER. You refer to the national discussion. Are you in favor of pay increases for teachers on a merit basis?

Mr. SIMONS. Under certain conditions.

Senator SPECTER. You don't think that would inject favoritism?

Mr. SIMONS. Well, it would inject favoritism, but I believe we ought to be able to handle that to eliminate it as much as possible.

Senator SPECTER. So you do favor President Reagan's proposal for merit pay for teachers?

Mr. SIMONS. I don't necessarily favor his proposal as such.

Senator SPECTER. Strike "President Reagan"—don't strike President Reagan, but the reference.

Mr. SIMONS. I don't believe in strikes, sir. [Laughter.]

Senator SPECTER. That is called a triple entendre.

Mr. SIMONS. How is that?

Senator SPECTER. It was a triple meaning, strike, strike, and strike. But on the subject——

Mr. SIMONS. On the subject, I am saying it is something that needs to be explored. We explored it in our last negotiations and came up with a step in that direction in really taking a hard look at the performance of teachers early in their careers, making the decision as to whether or not they are capable of remaining in the classroom, and I think that that is what needs to be done, looking more at the evaluation process.

Also, what we need to do is to provide an incentive, and that major incentive is through teacher salaries, to get the competent people that we need in order to insure a quality education.

Senator SPECTER. How are teachers evaluated under the D.C. school system?

Mr. SIMONS. We have an evaluation system. Teachers are evaluated annually by the principal of the building, or the supervisor——

Senator SPECTER. Do you think that works out to be a fair evaluation system?

Mr. SIMONS. Yes; it does, very much so.

Senator SPECTER. You see no problem with using that evaluation as a key determinant for increases in pay?

Mr. SIMONS. Not the current system as we have it now. There would need to be work done on it

Senator SPECTER. Such as what?

Mr. SIMONS. We need to take in the total picture when we are talking about the evaluation of a teacher's performance. You simply cannot rely upon the school as a single entity within the community, but we need to look at the total community, what the factors in the community are that influence the work in the school.

Senator SPECTER. You weren't suggesting that the teachers' performance should be based upon what the teachers do in the community?

Mr. SIMONS. No; not what the teachers do in the community, but what are the factors in the community which influence the behavior of the students in school. For example, if you have students who come from housing that is not proper, if you have a situation as we have in the District, and across the Nation of students who live——

Senator SPECTER. I understand. You are not saying that you would have test scores of one school versus another school and then say you are going to raise salaries depending on the educational levels of the two schools because they may have very disparate backgrounds?

Mr. SIMONS. Right.

Senator SPECTER. But currently, is not evaluation of teachers made on the basis of how well the teacher is doing, given the students, the number of students in the class, their backgrounds, and how well the teacher is performing given those considerations?

Mr. SIMONS. That is the general idea. But it doesn't always work that way. That would have to be spelled out specifically in your evaluation process to insure that we are going to eliminate——

Senator SPECTER. So your point is, if you are going to base pay on that rating, that there ought to be an expansive consideration of the factors in the rating system, but given an adequate rating system, you do not think there is a problem about unfairness of the principals or those doing the rating as to rule that out as a basis for increases in pay?

Mr. SIMONS. So long as we are able to challenge those ratings that we feel are unjust and not fair.

Senator SPECTER. Is there a procedure today for challenging those ratings?

Mr. SIMONS. Yes; very definitely.

Senator SPECTER. Is the procedure adequate?

Mr. SIMONS. Yes.

Senator SPECTER. Is there anything else you would like to call to our attention, Mr. Simons?

Mr. SIMONS. Not at this time. Thank you.

Senator SPECTER. We appreciate your being here. Thank you for joining us.

[The statement follows:]

STATEMENT OF WILLIAM H. SIMONS

Mr. Chairman and Members of the Committee on D.C. Appropriations, the Washington Teachers' Union appreciates your scheduling of this hearing on the D.C. Public School Budget for FY 1983-84. Moreover, we applaud members of this body and your colleagues of both chambers for affirming the federal grant funding. Your continued support in this matter is crucial to the local system and other urban systems throughout the nation.

In many ways, the Congress's action is consistent with the recent findings and conclusions of the several education study groups. They each etched a priority role of Federal leadership. That priority role addresses, mainly, the national interest served by an educated citizenry.

Unfortunately, classroom teachers were notably underrepresented in the analyses. But I am certain their views will be heard in the days ahead.

Mr. Chairman, the budget for local school operations represents a compromise. We endorse the City's action only within that context. The likelihood of rising fuel, and utility costs may cause an unraveling of this reasoned agreement. Also, further supply cost increases could add to the problem.

Washington, D.C., joins other urban areas wrestling with dwindling revenues, unemployment and strains upon limited resources. Against applicable federally imposed obligations, within and without the classrooms, quality education requirements must be met.

Collaterally this school system, again, not unlike its urban counterparts, includes severely high concentration of children from poverty locked families. Indications such as "free and reduced" meal services underscore the fact. Indeed, the national participation rate for free and reduced is approximately 23.4 percent.(1) D.C. schools' participation rate, (yrs. 1982-83) exceeds 40 percent

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1. Washington Post from Dept. of Agriculture

of the pupil population ... better than half again the national average.

Another factor impacting on the classroom as well as the City is unemployment.(2) With more tnan 10 percent of the work force unemployed a devastating effect on the children of these parents is created. This is reflected in the performance of the students in the classroom. It also weakens the linkage between the school and the home. This places an additional burden upon the schools which is not likely to be met in a satisfactory manner without adequate funding.

These factors and others speak not only to the budget need but to the durable mythology "declining pupil population" can somehow be equated with a precise dollar figure.

The Teachers' Union, therefore, urgently requests that the FY 1984 Appropriations Act specify in the language the $326.0 million allocation to the Public Schools as voted by the D. C. City Council and signed by the Mayor. This specified line item rather than comingling in a "Public Education" category designates the specific funding for the purpose intended.

Thank you, Mr. Chairman and Members of the Committee. This concludes our presentation.

Respectfully,

William H. Simons

William H. Simons
President

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2. Ibid., "Economic Index," 5-2-83

DISTRICT OF COLUMBIA ASSOCIATION FOR FOSTER CHILDREN

STATEMENT OF DR. JOHN WEST, PRESIDENT

Senator SPECTER. Next, we will hear from Dr. John West, president, D.C. Association for Foster Children. Could we ask Mr. Rice, Ms. Gardner, and Mr. Frame to come forward and join us at the podium? We want to move ahead here.

Dr. WEST. Thank you, Senator Specter. I am Dr. John Hamilton West, president of the District of Columbia Action for Foster Children, Inc. We are a nonprofit advocate organization that attempts to bring together people who care about youth and the family system, especially those in need of foster care. We also attempt to monitor the D.C. foster care system to see that the over 2,000 foster care children and their families receive the quality services that they need and deserve.

Last spring, I had the opportunity to appear before this subcommittee and at that time I stressed the importance of the D.C. foster care system, that it receive its fair share of the social services block grant funds, and I also stressed the importance of the acceptance of the permanency planning model.

I think it is very important for advocacy groups such as mine to try to have a balanced view and in my formal report, I list six positive improvements that have been made. I would like to just focus on three of those.

One was the reorganization of the Child Protective Service Division and the Residential Care Services Division into one division which is now called Child and Family Services, which will serve to reduce duplication of tasks and promote continuity of services with an emphasis on permanency planning goals.

We also are pleased that the division is now assigning caseloads in a substantial manner to the social workers based on the clients' needs and also the skills of the social workers, which make a lot of sense to us.

We are particularly pleased that the division has established a formal administrative case review procedure, and this is very important because it shows the division's acceptance of the permanency planning concept and that permanency planning will be made for all of the children in this system.

I would like to turn now to some of the problems. Although we mention six positive movements in the division, we feel that a great deal of work remains, and there are still problem areas.

In the formal report, I list 11 concerns, but I want to focus on only a few of those.

Senator SPECTER. We have your report, Dr. West. If you would just highlight them, we would appreciate it.

Dr. WEST. All right. The two primary concerns that we have are that we believe the group home contract program should be systematically monitored and evaluated, and we feel this strongly because this group home program serves adolescents, and many of the adolescents in the homes present serious problems. We need the group homes to meet the wide ranging needs of these youngsters. Some of these youngsters have emotional problems, learning problems, physical problems, and so forth. This system must be monitored to meet the needs of these young people.

Last, we strongly oppose the newest proposal to cut all youth from the foster care system when they reach their 19th birthday.

Senator SPECTER. On the group home, what was the annual cost of such service fee as you understand it?

Dr. WEST. Well, they are running group homes with grants as low as $60,000 and $70,000, which we feel is just not adequate to run a group home model.

Senator SPECTER. What is the compensation for each of the moms who serve?

Dr. WEST. The moms receive board and care rate, but the counselors who serve in the home, the average salaries would be $9,000 to $10,000, which is extremely low from our point of view.

Senator SPECTER. So the benefits to them are just the room and board? Do they have any spending money?

Dr. WEST. You see, the issue is that these group homes should have services integrated into those service systems in order that these youngsters will receive the special services they need.

Senator SPECTER. Dr. West, how many of the so-called teenage homes could be served for the amount listed?

Dr. WEST. I am sorry. I didn't quite understand.

Senator SPECTER. How many teenage homes could be served for the amount listed in the budget?

Dr. WEST. I am not exactly sure of that, but I know that I was told that we need about 10 or 12 of these homes, having six or seven clients in each home.

Senator SPECTER. Is there anything else you would like to call to our attention, Dr. West, beyond your written statement and what you have already highlighted?

Dr. WEST. Well, I would like to emphasize that it will be extremely harmful and unfair to these 19 year olds who have multiple problems if they are dropped from the foster care homes. We will certainly pay for these youngsters through the welfare system or through the criminal justice system, which we are all very well aware of.

Senator SPECTER. Thank you, Dr. West. We appreciate your being here. Your statement will be made a part of the record.

[The statement follows:]

STATEMENT OF DR. JOHN H. WEST

Mr. Chairman, Members of the Subcommittee, I am Dr. John Hamilton West, President of the District of Columbia Action For Foster Children, Inc. (DCAFC), representing the Board of Directors and membership of a non-profit advocate organization that (1) brings together people who care about children, youth, and the family system, especially those in need of foster care; (2) monitors the District of Columbia Foster Care System to see that the over 2,000 foster children and their families receive the quality services that they need; and (3) attempts to unify all of our efforts and resources with other concerned human service entities.

Last year when I testified before this Subcommittee, I revealed that a disturbing report had been released the previous year by the District of Columbia Auditors's office (February 5, 1981) indicating that placement for the majority of the children in the foster care system was long-term and unstable. This finding suggested that the primary goal of foster care was not being achieved. For the majority of the children in the foster care system, they were spending their childhood in public custody, moving through a series of foster homes and institutions at enormous public expense.

A year ago (June 1, 1982), another study was completed titled, "Child Welfare Services Program Review Report" that substantiated the findings of the District of Columbia Auditor's Report. This study was conducted by Region III-Children, Youth and Families Division of the United States Department of Health and Human Services. In terms of foster care, the major findings of this study were the following:

1. The average length of stay in the foster care system is 7.5 years.
2. The average age of children in foster care is 12.7 years which is above the national average.

3. In the sample studied, 72.3 percent of the children had been in foster care 18 months or longer.
4. For the cases sampled, 68.4 percent of the children had prior placement experiences.
5. The primary reason for placement in foster care was child abuse and neglect for 60.7 percent of the sample cases.

Unfortunately, these findings suggest that the majority of the children in the foster care system remain in care for many years usually experiencing multiple placements.

While serious problems remain with the District of Columbia Foster Care System, DCAFC is pleased to report that some positive changes have occurred this past year to improve the operation of the system. The positive improvements are the following:

1. The reorganization of the Child Protective Services Division (CPSC) and the Residential Care Services Division (RCSD) into one division (Child and Family Services) will serve to reduce duplication of tasks and promote continuity of services with an emphasis on permanency planning goals.
2. The differential assignment of cases to social workers according to (1) client needs and (2) skills of workers rather than assigning cases based on agency function.
3. Comprehensive work guidelines have been completed and given to workers.
4. A system of "purchase of adoption services" has been designed which will assist in moving children more quickly toward adoptive placement. As a result of this partnership with private adoption agencies, a few

children have been adopted including multiple handicapped youngsters.

5. The hiring of a new executive management team to manage the newly organized Child and Family Services Division. With this new leadership, there may be more opportunities to experiment with new ideas to improve the foster care system.
6. The establishment of a formal administrative case review procedure. In accordance with the requirements of Public Law 96-272 (The Adoption Assistance and Child Welfare Act of 1980) and D.C. Law 2-22 (The Prevention of Child Abuse and Neglect Act of 1977), case plans are to be reviewed at intervals no less frequent than six months on all cases of children in custody. With the administrative case review procedure in operation, the permanency planning concept has greater meaning.

While DCAFC highly praise the District of Columbia Foster Care System for making these improvements, a great deal of work remains before high quality care has been achieved for our children. In specific terms, DCAFC is deeply concerned about the following problem areas:

1. Social Worker staffing remains far below optimum level. There are 24 positions presently vacant in foster care. Caseload size for foster care workers is 117 children while the agency standard is 45. In the Mayor's proposed fiscal year 1984 budget, only one worker will be replaced for every two that leaves the Department of Human Services. If Child and Family Services Division is not exempted from this rule, the social workers will have even higher caseloads with the high per-

sonnel turnover in this division due to stress and burnout.

2. The computerized child tracking information system is only partially completed. This system must be in full operation because it is essential that all of the children who are part of the foster care system be identified. In addition, it is vital that we know the location of every child in the foster care system.
3. The Government of the District of Columbia has not aggressively sought all of the federal child care grants for which it is eligible. Specifically, the federal government pays 50 percent of the cost for children in foster care whose families are eligible for Aid to Families with Dependent Children (AFDC). In the District of Columbia, nearly all of the 2,000 children in foster care are from families that meet AFDC eligibility requirements. Consequently, the city has lost millions of dollars because it has failed to document its claims and file for reimbursement from the federal government. The City experiences great difficulty providing the federal governemnt with an accurate listing of the children in the foster care system and providing accurate Social Security numbers for the foster children.
4. Children placed in foster care on an emergency basis are not receiving prompt court reviews. In the best interest of these children, the Corporation Counsel must file timely court petitions. In addition, the long-term committed cases are not being regularly reviewed by the court. DCAFC proposed to the Volunteer

Attorney's Office to develop a "Volunteer Child Advocates Program (VCAP) to complement the Guardian ad Litem Project. Since guardians ad litem must be attorneys in the District of Columbia, the VCA's would perform the time-consuming information gathering work that the attorneys do not have time to do. With the assistance of the VCA's, the Judges would have a more comprehensive understanding of the needs of the children and their families. Unfortunately, this volunteer program idea was rejected.

5. A formal monitoring system needs to be developed to follow-up the children who are in adoptive placements. In order to promote objectivity, independent monitors should be utilized.
6. A "12-month" training program needs to be developed for social workers, supervisors, foster parents and national parents. The training exercises should be designed to accomplish specific program objectives. An evaluation model should also be integrated into the training program.
7. The continuation of placing foster children in residential facilities long distances from home is most disturbing to DCAFC. We have been unable to obtain an accurate accounting of the number of children receiving out-of-state residential care services.
8. Although the Government of the District of Columbia has been a pioneer in subsidized adoption, the Mayor proposes to cut in the fiscal year 1984 budget the $325,000 that was added to the budget last year by the City

Council to provide for adoption of handicapped children. The permanency planning concept will be severely weaken if these cuts are not restored in the fiscal year 1984 budget.

9. Even though DCAFC highly praise the foster care system for developing an administrative case review procedure, an evaluative model must also be integrated into this review process. Utilizing an evaluative model, problem areas may be more quickly identified and corrected.
10. There is a great need for the systematic monitoring/evaluating of the Group Home Contract Program. These foster group homes must be periodically reviewed and evaluated. The majority of these foster group homes are providing services to troubled youth that have multiple problems.
11. DCAFC strongly opposes the Mayor's proposal to cut all youth from the foster care system when they reach their nineteenth birthday.

Because the last two concerns are viewed as being especially serious, a few additional comments are offered. It is becoming clear that there is a strong need to utilize a differential approach to placing adolescents in group home settings. Nearly all of the adolescents in the foster care system have special needs. Consequently, there is a strong need for specialized group home environments that range from highly structured settings to small-family type settings. An aggressive acting out adolescent can completely disrupt a group home setting that is not designed to meet his/her needs. One of the specialized group homes that is needed in the District of Columbia is "Teen-Mom" Group Homes. If these teenage "moms" fail to receive the services they need, another cycle of family break up will occur at the public's expense. For many of the youth in the foster care system, these group home living environments provide a final opportunity for them to change attitudes, learn social skills and develop the emotionally maturity to function independently in society. It is certainly not cost-effective to allow these group homes to function poorly, thereby having little impact on these youth lives. If we fail to meet these troubled youth needs, they will remain dependent on society and the public will pay for their care either through the welfare system or the criminal justice system.

The Mayor's proposal to cut all youth from the foster care program when they reach their 19th birthday is also viewed as being extremely shortsighted and harmful to our youth. With present economic conditions, it is cruel to drop these youth from foster care when there are so few jobs available to them. In the District of Columbia, over 40 percent of the youth in this age bracket are unemployed. In addition, many of these youngsters have learning disabilities, emotional social problems and physical limitations. Without care and career development support, it is unlikely that these youth will be able to function independently. Even advantaged young adults from middle and upper socio-economic backgrounds are returning home and receiving extra support and assistance from their families while they seek gainful employment. This shortsighted proposal will not save money but simply cause harm to youths who have multiple problems.

The District of Columbia Action For Foster Children, Inc., respectfully ask the Chairman and Members of the Subcommittee not to cut youth from the foster care system when they reach their ninetheenth birthday but remain in care until they are twenty-one years old.

Mr. Chairman, I thank you for the invitation to share DCAFC concerns with you.

PANEL ON POVERTY IN THE DISTRICT OF COLUMBIA

STATEMENTS OF:
FAITH EVANS, COALITION OF FINANCIAL ACCOUNTABILITY
ELLEN GRIFFITH, CHILD ADVOCACY GROUP
TIM SIEGEL, COALITION FOR THE HOMELESS

Senator SPECTER. I next call on Faith Evans, Ellen Griffith, and Tim Siegel. Mr. Evans, would you proceed, please?

Mr. EVANS. I am Faith Evans. Thank you, Mr. Chairman, for allowing us to come. Basically, we have submitted our written testimony to the committee, but I did want to highlight some facts that were listed in it.

One is that in the past, we have been doing studies in the District of Columbia in terms of certain kinds of poverty levels. While in the Nation since 1975, poverty levels have basically increased 9.6 percent, in the District of Columbia since 1975, the poverty levels have increased 51.2 percent. Yet, while in the Nation the participants in the Food Stamp programs have increased from 19 million to 22 million, a 15.8-percent increase, in the District of Columbia we have had a drop of 11.7 percent from 111,000 to 98,000 individuals.

We did a study with local churches here in the District of Columbia, and we found that in terms of their increased numbers of participants within their programs, which in some cases have doubled and tripled, in terms of unemployed individuals, we found that on an average they serviced over 9,000 individuals, we found there were 2,136 unemployed childless people who were served in those programs.

We also found that over a period of time there were about 17,000 individuals in the District of Columbia who, although unemployed, were ineligible for unemployment benefits, but were not eligible for specific kinds of services in the District of Columbia.

So that we, in terms of the Mayor's budget that was proposed, and from action of citizens in the community, were able to research certain issues with the city, but we were not able to get, for instance, any kind of increases in benefits for GA or AFDC recipients—another year in which they go without any kind of increase. We also found that there were large numbers of individuals within the city that were not participating in any kind of program at all, whether it be housing, special assistance, or other kinds of things.

We also found that the Mayor had proposed certain kinds of changes in the emergency assistance program which would have resulted in what was termed the new poor, those individuals who are not eligible for benefits, and the individuals who came off unemployment benefits——

Senator SPECTER. Congress has passed emergency assistance and a jobs program. Have you had an opportunity to examine the benefits there?

Mr. EVANS. We have participated in some of the forums and in discussions of block grants and others in discussions about this emergency money, and it seems it is going to be a one-shot deal and will only service a limited number of individuals within the city. At the moment, I don't think that we have even gotten a nickel down to the people in the

District of Columbia, and we are concerned about that. Maybe Cheryl could give a little more.

Senator SPECTER. May we have your name, please?

Ms. FISH. Cheryl Fish, from the Coalition of Accountability.

Senator SPECTER. I don't believe we have you on the witness list.

Ms. FISH. No; I came to respond to any questions.

Senator SPECTER. Will you please be brief? We have a great many people here.

Ms. FISH. All right. That money in the jobs bill cannot be used for direct emergency programs. The people that need to avoid eviction, for example, Federal money cannot be injected into that program.

Senator SPECTER. I don't think that you are correct about that. There was an emergency program. I would like you to consult with Mr. Leeth about that afterward, because I think there are some funds available.

Ms. FISH. All right.

Senator SPECTER. Mr. Siegel, we would like to hear from you now.

Mr. SIEGEL. Thank you, Mr. Chairman. I have submitted written testimony which you do have.

I want to be very brief. I wanted to say the scenario in terms of homeless, need for shelter, feeding programs, and employment, has been fluctuating and will continue to do so in the District of Columbia.

However, across the board we are continuing to see a crisis, essentially at the same level that we had in the winter. We are seeing shelter and the needs related to the homeless becoming a year-round need, and though there have been new efforts, some recognition by the District of Columbia government and nonprofit providers, we are still in a difficult situation.

The funding level requested by the District of Columbia will be inadequate to meet the needs of the homeless, and there will be an anticipated greater demand in the fall.

Senator SPECTER. Mr. Siegel, have you had an opportunity to examine the $100 million of funding which was included in the jobs bill? I share your concern about the homeless, and I would be interested if you would communicate to Mr. Leeth what your evaluation is as to the help that that money will provide.

Mr. SIEGEL. Right.

Senator SPECTER. This is a matter of ongoing concern, and if you would review it with him, we would appreciate it.

Mr. SIEGEL. We did consult on that, and I understand there might be future funds made available by Congress in the fall.

Senator SPECTER. I think there are more funds to be made available. I don't think that they have been disbursed yet, but I would be interested in your evaluation as to what help that is providing.

[The statements follow:]

STATEMENT OF FAITH EVANS

Thank you for the opportunity to testify today. The Coalition on Financial Accountability is comprised of human services organizations and low-income individuals who monitor the D.C. budget, assuring that funds are adequate for those most in need.[1] This year, in response to our testimony at City Council and our advocacy at the Department of Human Services, many potential problems in the 1984 budget were resolved. We are, therefore, appearing today to support the city's budget request, explain how it responds to community concerns, and discuss areas which still may present problems in 1984, due in part to burdens which federal policy has placed on the city government. The D.C. City Council has allocated well the scarce resources available to human services programs. However, you will note that while numbers of elderly, disabled, and poor people have been increasing in the District, dollars for direct services have not increased. The city can therefore not afford to cut operating costs in human services programs in order to pay for street lights, or absorb any other additional expenses.

FINANCIAL ASSISTANCE (General Public Assistance, Aid to Families With Dependent Children)

The District's General Public Assistance program currently gives financial support to people who are awaiting federal social security or SSI benefits, people who are temporarily disabled, and children living with unrelated adults. When the budget was first submitted to City Council, a proposal was made to replace GPA with a different temporary assistance program, cut the budget by $7.5 million, and leave about 3,000 people with no means of financial support. The Coalition testified both in the budget hearings and in legislative hearings that this proposal was untenable. Because federal disability standards are stringent and many people who are eventually found to be disabled do not obtain SSI benefits until their cases are appealed, people must often stay on local welfare rolls for 18 months before obtaining federal benefits. Other people who are temporarily disabled may in fact never be able to join the work force, but will remain on local welfare rolls until they become aged. Glennie Douglas spoke about this problem at a Coalition press conference:

> "I've been sick since 1974, but I kept working until 1982 whenever I could. When I could not work, all my money went to doctors. I have joint cell arthritis, high blood sugar, I am blind, and I sometimes black out for 10-12

> hours. In March, I had a stroke which paralyzed the right side of my body. I went to the hospital under Hill-Burton. After I got out, I tried to go back to my job at Maryland Workshop for the Blind, but they will not hire me because they are afraid I will fall on machines. The doctors will not give me an OK to go back to work, so I had to go on Public Assistance. Though I have been paying into Social Security for 35 years, I was denied benefits -- they say I am not totally disabled. I've been on GPA since last winter. Next month, I will turn 62 and then I hope to get retirement benefits."

After the public hearings, City Council agreed that if the Public Assistance budget was cut as originally proposed, thousands of people who are unable to work would simply not survive. They restored enough funds to continue public assistance, provided the caseload does not increase and the District gets more money in "paybacks" from Social Security when GPA recipients are found eligible for SSI. The Coalition has been reviewing legislation which would modify the GPA program, and Legal Counsel for the Elderly has met with DHS regarding possible improvements in SSI referrals.

Our remaining concern is that the budget does not appear to be adequate to give a cost-of-living increase in AFDC or GPA benefits. Federal poverty programs, such as SSI, grant permanently disabled people about $300 per month; dependent children and disabled adults in DC receive incomes of only $189 monthly. This is not adequate to pay the costs of rent, food, clothing and routine health care, so public assistance recipients frequently need expensive hospitalization, emergency shelters, and crisis assistance. Increases in GPA and AFDC benefits are only granted when specific legislation is introduced and as the budget will allow. Benefits have thus fallen farther below the poverty line, yet there is no budget for a cost-of-living increase in 1984.

Congress has asked questions about the AFDC error rate. In the past year, federal requirements for monthly reporting have increased the administrative burden of the AFDC program, yet no additional federal money was granted to implement the new policies. We saw grave problems as many AFDC eligible people were initially erroneously terminated from the program. We believe monthly reporting may have caused other AFDC errors as well, and we urge Congress to examine the problems entailed in monthly reporting throughout the nation. Cutting the department's budget will not help the situation -- more money, not less, is needed for financial assistance.

EMERGENCY ASSISTANCE

D.C. has no welfare program for people who are unemployed but not disabled. However, average unemployment in the District was 33,000 people last year, and in March, only 16,000[2] people were receiving D.C. unemployment benefits. This left about 17,000 people who were among the "new poor" -- people who need help from government because the economic conditions of our times have left them without the income or resources to survive. We surveyed some of the churches in DC who were providing emergency help to the needy, and found that of 9,858 people helped in our sample, 2136 were unemployed, childless people.[3] They needed assistance from private sources because they did not qualify for city programs, they had repeated emergency needs when the city would only help once a year, there were delays in getting city benefits, they had no address, they were deinstitutionalized and unable to prove identity or obtain medical records. Even for those who do qualify for emergency assistance through the Department of Human Services, problems are growing -- in the first 8 months of 1982, 2784 people received emergency assistance and $564,700 was expended; in the first 8 months of 1983, 5076 needed assistance and $992,800 was expended. We believe that extended unemployment, and cutbacks in unemployment benefits, have contributed to people's hardships. We appreciate Congress's help with the Jobs Bill, but we understand that no more money will be going to direct cash relief programs such as emergency assistance as a result. If the pattern continues, emergency assistance will continue to be needed at higher rates in 1984. The city at first proposed to cut costs by changing eligibility criteria - under the proposal, unemployed childless adults would have been denied crisis assistance. The Coalition testified in recent City Council hearings about the need for, and cost-effectiveness of, the emergency assistance program -- when people are unable to get emergency help to pay rent, whether they are single adults or families with children, they are evicted and the costs to the city in providing emergency shelter are much higher. A copy of Rev. Woodward's testimony on this issue is attached.

According to DC's 1984 Social Security Block Grant Plan, money spent per case on crisis assistance, homemaker/chore services, and protective services must decline in 1984.[4] The District has no plan for cost-savings. Funds are not available, so fewer services will be delivered to more people in need.

ATTRITION

The 1984 budget assumes that 4% of District employees will leave in 1983, and 4% in 1984, and that only 2% will be replaced each year. It thus would reduce the number of District employees by 2%. Position losses are reflected in the budget justifications at every responsibility center. However, there has been no attrition plan to designate which employees (eg, doctors and nurses in public health, social workers in child and adult protective services) are critical and must be replaced to avoid service cutbacks. We hear instances now of people being unable to site applications for crisis assistance because their workers are absent, and no one else is available to serve them. The thorough counselling which is necessary to get homeless families stabilized and out of crisis is not available. The Committee on Human Services has requested an attrition plan, and the coalition will review it as soon as it is available to assure that the proper positions have been identified as critical. However, as the budget act is currently written, Sec. 111 would bind the city to live within the attrition assumptions. We wonder if a technical amendment is needed in this section.

HEALTH CARE

Health care was another area of the budget which was originally scheduled for drastic cuts - the medical Charities program was to end, many Medicaid services (such as podiatry, optometry, visits to midlevels practitioners at clinics, coverage of wheelchairs and other durable medical equipment) were to be abolished. City council determined that these programs must continue, but other cuts still threaten health care.

As a result of a Supreme Court decision, Schweiker v. Hogan income eligibility limits for Medicaid were lowered this year. Couples used to receive Medicaid with incomes of $435 per month. Now, if they are on SSI, they can receive Medicaid with monthly incomes of $437, but if they are not, incomes must be below $314 monthly. Many couples are thus unable to afford health care, and are now uninsured. They will need to rely increasingly on city clinics or other free and low-cost health care.

We have been very concerned with proposals to raise fees in city clinics. The Clinical Health Services Act gives the District authority to charge now for services that had previously been rendered free in the public interest. A final fee scale has not yet been established, but we are advocating that it slide to zero for people who are uninsured with incomes below poverty lines.

The problem affects the 1984 budget for preventive and ambulatory health because fees would need to be collected to offset losses in appropriated dollars, and it is unclear what money is being budgeted for that purpose. End-of-year employment figures are lower in preventive and ambulatory health, which would mean that dentists and nurses would need to leave city clinics; the budgets for lab services, VD and epidemicology control are lower for 1984 than actual expenditures for those programs in 1982. Non-profit community clinics, such as Zaccherus, are already reporting that the city is referring them more patients for VD testing, but is no longer giving them supplies with which to treat patients.[5]

Health care is one area in which cutbacks in federal programs, such as the reduction of the Medicaid match, have led the District to make decisions which will not only harm citizens, but can in the long run be costly. The Coalition has searched this year for ways to help the uninsured meet medical costs, and we have just started a Hill-Burton community education and monitoring project. We hope this will assist people needing hospitalization, but it is more difficult to find ongoing clinical health programs to serve the uninsured poor. Without preventive care and ambulatory care, people spread contagious diseases, or their illnesses worsen until they must be hospitalized at greater costs.

The plight of the homeless is another area which has become critical (and costly) in the District, due in part to federal cutbacks. Less subsidized housing is being built, though the economy has worsened. Surrounding jurisdictions are not required to have shelters, so more homeless people end up in D.C. With me today is Phyllis Lawrence, of the Coalition on the Homeless, to discuss that problem.

We thank you for your interest and help on these issues.

NOTED

1. Organizations who are members of the coalition include: Washington Inner City Self-Help, Christian Communities Committed to Change, Child Advocacy Center, Antioch School of Law, Home Care Coalition, Gray Panthers, Zacchaeus Medical Clinic, St. Aloysius Church, Coalition for the Homeless, Emmaus Services for the Aging, Greater Washington Central Labor Council Foster Grandparents, Office of Social Development of the Catholic Archdiocese, St. Stephens Episcopal Church, Calvary Methodist Church, Salvation Army, Mt. Carmel House, Community Family Life Center, Founding Housing, Bread for the City, Washington Teachers Union, Iona House, DC Welfare Rights Organization, Friendship House, Bridge, Interfaith Conference, Columbia Senior Centers, and others.

2. Statisics from the Department of Employment services
3. Summary of Coalition surveys attached as Appendix II
4. "Average cost-per recipient" according to Block Grant Plan

	1982	1984
Crisis and Related Services (for counselling and social work only- not direct payment)	$ 127	$ 76
Protective Services for Adults	873	700
In-Home Care (homemaker/chore)	2,396	2,374

5. Amounts by which 1984 gross budgets are less than 1982 expenditures:

VD Control	$386,000
Epidemiology and disease control	$297,000

End-of-year employment for perventive and ambulatory health would be reduced by 77 positions.

APPENDIX I

THE FOLLOWING TESTIMONY WAS GIVEN BEFORE A COMMITTEE OF THE DISTRICT OF COLUMBIA COUNCIL PERTAINING TO THE EMERGENCY ASSISTANCE PROGRAM AND FUND OF THE DEPARTMENT OF HUMAN SERVICES. THE MAYOR'S FY 84 BUDGET PROPOSAL PLANS TO ELIMINATE THE EMERGENCY ASSISTANCE FUNDS OF DHS ENTIRELY ON THE BASIS THAT THE FUNDS HAVE NOT BEEN SIGNIFICANTLY USED AND THAT THE FUNXCTION CAN BE PERFORMED UNDER THE AFDC AND OTHER PUBLIC ASSISTANCE PROGRAMS ANYWAY. THIS TESTIMONY WAS GIVEN BY THE REV. JACK WOODARD, RECTOR OF ST. STEPHEN AND THE INCARNATION EPISCOPAL CHURCH AT 16TH AND NEWTON STREETS, NW.

MARCH 23, 1983

Thank you for the opportunity to provide data to assist you with your responsibility of producing an FY 84 District budget responsive to the needs of the people of the District of Columbia. I am here primarily because my parish and I are deeply disturbed at the prospect of eliminating the Emergency Assistance money from the budget of the Department of Human Services. Our experience at St. Stephen's working with people in our Samaritan Assistance Ministry is that the Emergency Assistance program of DHS does not need to be cut or eliminated. Instead, it urgently needs to be made to function properly so that families and individuals in crisis situations can, in fact, receive the emergency help they desperately require. The program is being handled in a shockingly ineffective manner at the present by DHS and that alone is the reason there would seem to be a budget cut possible in these particular funds.

Let me tell you my qualifications for making such a statement and then I will give you hard data through presentation briefly of an actual - and typical - case.

St. Stephen and the Incarnation has, as one of its many programs of service and advocacy, the Samaritan Assistance Ministry. That ministry consists of two full-time staff persons in addition to myself, and a cadre of 20 well-trained volunteers. A stream of people in crisis comes into our church houses for help - 2,212 of them in the past twelve months - and we help them to the best of our ability.

Of those 2,212 men and women, 95% were unemployed, 20% were families, 80% were single (65% male and 35% female), 5% were disabled, and 20% were over age 60. Though we don't keep ethnic group records, I would guess that 80% were Black, 10% were Hispanic, and 10% were Caucasian. It is on the basis of that data and experience that I am testifying.

Not long ago, a woman named Geneva came to us for help, She has a child, no food, and was facing immediate eviction because she was $36 short of having her rent of $216. We made the mistake of relying on DHS and the Emergency Assistance Fund to help her. Here is what happened: In spite of a phone call to DHS from our office, Geneva found when she got to DHS that the staff person who handles the letter of the alphabet witgh which her last name begins was off for the day. No one else would help her. They would not even give her the application forms for help with astaying the eviction in court. Our staff then tried to work out the "on-going plan" which DHS requires for from everyone for assistance, but refuses to hwelp clients work out such a plan. We offered to hire her at the churech for $36 to make up the gap, but DHS turned that down and would not give Geneva any assistance. She was evicted. Since she has a child, she was entitled to shelter at thwe Pitt HOtel. That she got -- at a cost to the city, not of $216 per month, but of $85 per day or 2,550 per month. The point is, not that Geneva and thousands like her do not need emergency assistance, but that DHS needs to be forced to make the emergency assistance money functional. Geneva is typical, not unusual.

Here are a few more things wrong with the way DHS presently administers emergency assistance:

>DHS will not keep emergency cash on hand. Thus though qualified clients are entitled to $3 a day food money for 7 days for a maximum of 21 days, in fact the money is not really available at all. The most frequent referrer of starving people to our church for sacks of groceries and other help is the Dept. of Human Services!

>If you go to DHS and succeed in documenting your desperate need for emergency assistance today, it will take a minimum of 45 days to process your application and still longer for you to get the check. When the

check comes, you will have starved and been evicted.

My conclusions from this dismal tale are these:

1. Emergency assistance is desperately needed. Don't eliminate it. Make it function.

>Give DHS additional byudget money to provide more staff to work directly with clients.

>Shorten the emergency assistance perocessing time to 24 hours.

>Require DHS to provide backup workers to continue to process apoplications for emergency assistanxce when other workers are off from work. Ity is simply unbelievable to cause some people to go without food or be evicted just because other people have taken the day off, but it happens regularly.

>Require DHS to keep emergency cash on hand so that emeregency food money is in fact available. We do that in our parish office and have adequate safeguards. So can DHS.

Finally, it is no solution to move Emer. Assistance into long-term assistance. They are dramatically different. By definition, peple who can qualify for long term assistance do not need emergency assistance.

Tghe times arte hard and thousands are suffering. Church like St. Stephen's are already doing what we can do. PLerase don't increase the suffering and make our ministries even more difficult by doing what the Mayor has recommended about eliminating Emergency Assistance.

Instead, make it work!

Thank you.

APPENDIX II

Summary of Coalition on Financial Accountability Surveys

Data from: Assumption Church, St. Aloysius Church, FLOC, St. Augustine Church, Coalition for the Homeless, Sixth Presbyterian Church, Mt. Carmel House, Community Family Life Services, Associated Catholic Charities, Sacred Heart Church, Bread for the City, Georgetown Hospital, Calvary Methodist Church, and Far East Services . (More surveys are still coming in.)

1. # of people helped with financial emergencies: 11,678 (does not include lunch programs, Christmas baskets, etc.)

   By category(10 organizations had this breakdown):
   Age 60 and over -- 1,025
   Disabled -- 402
   Families -- 6003
   Unemployed, childless -- 2136
   Employed, childless --292 (Total:9,858)

   This shows that a significant portion of people going to charities for help are unemployed and not receiving disability or welfare benefits.

2. Amounts of money needed for various emergencies:

Emergency	Number Helped	Median Ave.Given	Maximum/case
Utilities	241	$25	$180
Rent	366	$150	$1,000
Mortgage	5	$600	$1,000
Clothing	16,179	N/A (usually donated)	
Shelter	1,458	$2	
Food	8,623	$10	$100
Medical	230	$10	$400
Other(transportation to look for work, moving, misc.	258	$35	$200

   Many people mentioned transportation as an emergency requiring assistance. Most organizations were unable to help when large sums of money were needed.

3. Most organizations said that people come sometimes to the organization first for help, other times go to DHS first.

   How many people you saw were unable to obtain help from DHS? (Each response is listed): 3,000;55;50%;15;200;not sure;1/3;70%;0;most were "in process"; 70%;most.

   What were some of the problems in getting DHS or city services? Delays in processing or getting medical reports, problems with verification, food stamps cut off, do not qualify due to income or employability, repeated emergencies, lack of programs, problems proving identification, lack of address, lack of DHS staff to help, deinstitutionalized, handicapped and hard to travel to DHS, aliens, late checks, cuts without notice, have to

4. How would Bill 5-92 affect your clients and your work?

   It would cut off unemployed people, people with psychiatric problems, people with no job skills, the homeless who could not stabilize their situation, people too disabled to get treatment, alcoholics, others with disabilities hard to verify or cure. It would increase dependency on private charities. It would strain our resources as more people turned to us. We would not be able to supply the people needing help.

5. Whose responsibility is it to provide benefits for the unemployed?

   Joint; the city should provide more job counseling and money; the city should provide ongoing financial help, food and clothing; people need housing while hunting for work so they can care for personal hygiene; the city need to supply income when there are no jobs, assistance to prevent evictions, medical care ; maybe a matching aid fund could be established; government should provide assistance or the opportunity to work.

6. Few programs mentioned expansions. Those mentioned were: extending benefits to all adults (not just families and the disabled), providing employment training for youth, establishing a $200 emergency fund.

STATEMENT OF TIM SIEGEL

Thank you Senator Specter for the opportunity to appear before this Subcommittee. I am Tim Siegel, Coordinator, of the Coalition for the Homeless. The Coalition is an independent, nonprofit organization that serves as an advocate for the homeless. We are composed of, and speak for, a wide variety of service providers (kitchens, clinics, shelters, counseling and distribution centers) church congregations, and concerned individuals in the metropolitan area. Our main fucnctions are (1) Educating and involving the public in homelessness (2) Providing research, analysis, and public policy recommendations on the causes and responses to homelessness (3) Provide support to service providers (4) Foster the development of new and expanded services as well as expand resources (cash donations, supplies, and volunteers) to aid the homeless.

PRESENT PICTURE: While the scenario of needs and services can fluctuate somewhat from month to month, the present picture does provide an accurate forecast for the immediate future. First, the District Government has made some certain progress. Many families that were being housed at Capitol City Inn have been relocated to transitional or secure housing. The Commission on Homelessness, a court-ordered advisory group to the Mayor, has been meeting to develop policy recommendations. Second, the District is still facing a crisis in regards to the immediate needs of the homeless being minimally met. This Spring, Calvert Shelter, an emergency shelter for 65 men closed. This project will reopen at a new site as a transitional shelter for approximately 60 men in the Fall. Two women shelters, housing a total of 50 women, closed this Spring. One lost their building but may reopen elsewhere in the Fall. The other reopened two weeks ago when the need for summertime shelter was realized to be so great. Calvary Shelter, operated by the Coalition, has continued to stay open and house 25 women even though it was initially perceived as a winter-only shelter. Perhaps most alarming is the report that the City-funded men's shelters, Blair and Pierce, have been operating this summer at capacities as high as this winter.

In short, the Coalition anticipates a dire need for further expansion of shelter beds. The Women Shelter Providers Committee is working with the D.C. Department of Human Services to locate a new, large capacity site. The WSPC would assume responsibility to runit. The WSPC also feels that a women's daytime center is also greatly needed. The number of beds available now is inadequate. Shelter populations in the summer used to slacken. There now appears to be little slackening. We will need more beds this Fall as well.

Two other significant developments are (1) Those involved with the issue of homelessness are appearing to see the need more than ever to distinguish among the many subpopulations among the homeless and their special needs. The population ranges from those among the deinstitutionalized whose behavior may be so disruptive that they need special, more isolated housing with trained staff vailable around the clock to the transient passing through town looking for steady work. (2) Sheltering or warehousing the homeless in itself provides very little. People needfacilities round the clock to come in off the street to. We need more rehabilitative services, counseling, social service benfit advocacy, secure housing opportunities, and much more if we are to arrest some from slipping further or to prevent future cases. Though it costs money, we believe that beside it being the only humane thing to do, it would actually save the City and the community money in the prevention of incurring other costly emergency services.

SPECIFIC RECOMMENDATIONS: We recommend the following:

1) It appears the District budget for FY '84 for sheltering services is too low. We estimate that approximately 1.7 million more is needed for the District to begin to adequately run its own programs. Family shelter services alone cost the District more than one half its shelter budget. While family shelter services are now being provided somewhat more cost-efficiently by the City, the demand will continue to be there. The District, cannot be allowed to cite lack of funds in 'capping' the number of spaces available for family shelter. We remind the Subcommittee that the Barry Administration did recently entertain the idea of capping the number of spaces available for emergency shelter for families..

2) Adult Protective Services is being viewed by providers to not meet its responsibility for quick and thorough responses to emergency situations. We are not yet certain as to whether the reason for this lies in management or policies or in inadequate staffing levels. Whichever, improvement is needed. For example, there are a number of women, deinstitutionalized, many of them elderly and/or incontinent and very disruptive. These women do not belong in a shelter. Perhaps APS could arrange a stayover facility to give them the care and trained supervision they need. Otherwise they burden the existing shelters.

3) We support the testimony of Faith Evans for the Coalition on Financial Accountability on the need to not excessively restrict Food Stamp or General Public Assistance eligibility.

4) The Coalition for the Homeless served as a silent observer to the discussion by the 'Local Board' authorized to distribute $278,000 to D.C. nonprofits to expand or improve services for the hungry and homeless. These funds were from one of two 'pots' of FEMA funds. We were very impressed with the principled process accomplished by the Local Board in getting these funds out. We hope the District will work as well in assigning its larger 'pot' of FEMA funds.

However, we have two recommendation to make should Congress decide in the future to again provide emergency aid in this way. First, more money is simply needed. The sums provided allowed some providers to do something, but not much. Second, we ask Congress seriously reconsider the prohibition of 'FEMA funds' for

a) Vehicles for transportation of hungry or homeless to facilities or to transport supplies.
b) Administrative expenses limited to 2%. We recommend this be raised to 5% in consideration of smaller nonprofits who would provide a considerable share of stafftime to bookkeeping, volunteer recruiting or other worthwhile activities.
c) Any staffing. In some cases, staff are what services for the homeless are all about. Expenses for a volunteer coordinator, counselor, coordinator, sometimes constitute the major expenditure for a program.

5) Your interest and support in seeing that the District Government continue its commitment to providing its share of assistance to the needy. Though the City has made gains, we continue to have a worsening situation. We are concerned about an Administration that seriously considered the initiation of fees for shelter for individuals, the capping of spaces for homeless families, and the elimination of City-funded summer shelter for homeless men.

We are also concerned about another Administration that is directly responsible for a certain amount of the phenomeral increase in homelessness and its causes. Through increased unemployment, loss of housing programs, reduction in legal services, restrictions on benfit programs, reductions in funds to cities, and a sacrifice for basic human services for increased militarization, that 'safety net' has been shredded. We ask that you convey our concerns to that Administration.

Finally, the Coalition is well aware of the special concern you have both for the needy among us as well as for the sound administration of the District. We recognize and applaud your interest.

Thank you.

GREATER WASHINGTON ORGANIZATIONS FOR GOVERNMENT FUNDING OF SOCIAL SERVICES

STATEMENT OF WILLIAM RICE, COORDINATOR

Senator SPECTER. I would like to call next on Mr. William Rice, Greater Washington Organizations for Government Funding of Social Services.

Is Mr. Rice here?

Mr. RICE. Yes, Mr. Chairman. My name is William Rice, and I am the coordinator of the Greater Washington Organizations for Government Funding of Social Services (GWOGFOSS). GWOGFOSS is a coalition of 17 organizations in the Washington metropolitan area united in the belief that it is the Government's responsibility to serve the needs of the people. We will address four subjects that we feel should be considered when determining the appropriation to the District of Columbia, and I will go through and summarize our testimony.

In testimony to the District Council's Committee on Human Services in January, GWOGFOSS expressed concern over a number of items in the Mayor's proposed budget for fiscal year 1984. While we have concerns about several items, we do not want the Congress to rearrange the budget allocation decided upon by the elected officials of the District. But these kinds of things would be helped by increased allocations from the Federal Government.

First, the need for general public assistance. It is being cut by about $3 million. The stated reason for that cut is that the program has been abused in the past. We feel that that abuse has been largely cut out. Because of the cut, about 500 people currently being helped will be denied assistance in an emergency shelter unless a private organization can raise $100,000 for the program. The shelter might still close this summer.

As Mr. Siegel pointed out, there are many costs, many things that they are exposed to besides cold, including crime and vermin. If the shelter did close the problem would be that people would not have a permanent address to receive Food Stamps.

Senator SPECTER. Mr. Rice, I would ask the same of you, to take a look at what was enacted recently.

Mr. RICE. I asked the city officials about that, and as of last month they were not sure how this would work in the problem of the shelters this summer.

Senator SPECTER. This is a factor that ought to be considered in these requests. The staff has reviewed your request. Do you have a total dollar figure for the requests which you have put together here?

Mr. RICE. No; I don't. I could come up with one very shortly.

Senator SPECTER. I would like to know that, because it is a matter of allocation. You state you do not want to reorder the District's funding priorities, but rather to appropriate an additional Federal amount for this purpose.

Mr. RICE. Yes.

Senator SPECTER. We would be interested to know what is the total amount, and interested in your rationale for these increases. So I am personally very sympathetic, as you may know, with these problems. One of the tough matters we have in the Appropriations Committee is how we can allocate more money in the District of Columbia when other similarly situated cities are not being treated any better.

Mr. RICE. I guess the reason is that according to at least one study I have seen, the Federal payment only constitutes half of what the Federal Government should pay the District for the cost of the Federal presence. This was a study that the District government prepares each year for Congress on the Federal payment. The Federal payment, if appropriated, will be $386 million for fiscal year 1984, and one figure I saw, taking into account all factors, costs for lost property income, costs for parades, costs for foreign embassies in the District, and also taking into account services provided by the District, it still comes out to over a couple of billion dollars that the Federal Government should pay.

That is one of our requests, that the Federal payment should be increased, and it should be a set payment based on a formula so the District could know each year what it will get.

Senator SPECTER. That is an interesting concept, Mr. Rice. Anything else you would like to call to our attention specifically?

Mr. RICE. Yes; St. Elizabeths Hospital, the District placed a cap on how much it thought it should provide to the hospital, and in transmitting the budget to the Congress, the President took off that cap, which leaves open who is supposed to pay for the deficit that might develop. We think the cap should be restored. We think the future governors of the St. Elizabeths Hospital—a study of that is going on now—we don't think this is a good way of trying to shift the burden to the District.

Senator SPECTER. Thank you, Mr. Rice. Your statement will be made a part of the record.

[The statement follows:]

STATEMENT OF WILLIAM RICE

This is the testimony of Greater Washington Organizations for Government Funding of Social Services—GWOGFOSS. As you may know from our testimony last year, GWOGFOSS is a coalition of 17 organizations in the Washington Metropolitan Area united in the belief that it is Government's responsibility to serve the needs of the people.

We will address four subjects that we feel should be considered when determining the appropriation to the District of Columbia for Fiscal Year 1984.

LOCAL BUDGET DECISIONS

GWOGFOSS, in testimony to the D.C. City Council's Committee on Human Services in January, expressed concern over a number of items in the Mayor's proposed budget for FY 1984. While the Council modified some of the most harmful reductions, we still have concerns about several items. We wish to make clear, however, that we do not want the District's budget allocations rearranged, but rather the deficiencies we point out made up with increased Federal funds. The District of Columbia's right to self-determination—including the right to appropriate its money as it sees fit—should in no way be abridged.

General Public Assistance

General Public Assistance (GPA) provides cash benefits of up to $189.56 per month to about 4,400 disabled adults and around 300 abandoned children, as well as to about 800 individuals pending determination of eligibility for Supplemental Security Income. The proposed budget would reduce GPA funding from $14,147,400 to $11,080,000, a cut of $3,067,400. The stated reason for cutting GPA is that the program has been abused in the past. But additional staff, an automated review system and better management techniques have reduced the GPA rolls by about 35 percent in the past few years. At one time, cases could go for up to a year without being reviewed; now the maximum time between case reviews is six months. Half the people who apply for GPA are turned down.

With the reduction of GPA funding, 500 people currently being helped will be denied assistance. Most of these people will have no place to turn. People receiving GPA because they are disabled and unable to work will not suddenly be able to work just because the District wants to cut its budget.

General Public Assistance should be funded at as high a level as is necessary to provide its services to all those who are eligible and in need.

Emergency Shelter

The City currently provides free year-round emergency shelter for individuals and families. However, unless a private organization can raise $100,000 for the program, the District plans to not operate its shelters for homeless men this summer. Closing the shelters during the summer is a bad idea because men with no place to go will still suffer exposure to elements other than the cold, including crime and vermin. As a result, more men will die in the streets. Also, homeless men must have an address in order to receive Food Stamps and other benefits, and shelters serve as such an address. If they close, over 300 hundred men will be unable to receive Food Stamps and benefit checks.

The budget proposes charging a fee for stays in family shelters of more than 30 days. The average length of stay is now 45 days. We are against this charge. However, if it is implemented, there must be strict safeguards to ensure that no family is denied shelter because of an inability to pay, and that families are not charged too much. The money collected from each family should be put in an escrow account to help cover the costs of securing permanent housing, including the first payment on an apartment.

Families are currently being housed in motels, which is bad for several reasons. The rooms are cramped, and since there is no place to prepare food, the families must eat all of their meals out, rendering their Food Stamps useless. We understand that there is currently an effort under way to house families in larger units, with food-preparation facilities, at half the cost of a stay at a motel. We support this trend, and urge its continuation.

Preventive Health Care Fees

The budget seeks a change in the D.C. Code to allow clinics to charge patients for a whole range of services that are now provided free. These include the screening for hypertension and sickle cell anemia, the treatment of tuberculosis, and the immunization of citizens against communicable diseases. Some patients could be charged more than $45 for a medical service. Charging for medical services now provided free will discourage people from coming to the clinics. Illnesses will develop that could have been prevented, diseases that could have been contained and cured will spread. The ultimate cost to the City will be far more than the initial screening and early treatment would have been; the needless increase in human suffering will be incalculable.

In the past, the City decided and wrote into the D.C. Code that certain medical services—the ones the budget proposes charging for—were "in the public interest" and therefore were to be provided at no cost to the patient. These services are still in the public interest and should continue to be free.

Health Clinics

The budget proposes closing ("consolidating") some health clinics. We oppose this action because it would deprive many sick and elderly people of accessible medical care.

Foster Care

The budget proposes cutting $5,570,300 in District funds from the Foster Care program. Whatever increase in Federal AFDC Foster Care matching payments the City expects to derive from better processing of claims, it will not be enough to cover the effects of this 30 percent cut in local funds. Every foster care service will suffer.

Grant Contingency Fund

In FY 1983, the District's Department of Human Services established a Grant Contingency Fund of $1,132,800 to offset the effects of Federal budget cuts. This year's budget proposes eliminating the Fund. We were told the reason was that the Department does not expect any reduction in Federal grants in FY 1984. However, the budget predicts that the Department will receive half a million dollars less each in both catagorical grants and block grants.

The Grant Contingency Fund is not going to waste in FY 1983: all of the money is needed and will be spent. One program that the elimination of the Fund will place in jeopardy next year is a contracted service with Children's Hospital to provide examinations and treatment.

This budget should continue the prudent practice of establishing a fund to cover expected and unexpected shortfalls in Federal funding for human services programs.

Attrition

3,807 of the positions in the Department of Human Services are funded with local money. Of these, 603 are to be eliminated. Of these 603, 211 are filled right now. That means there will be 211 fewer employees to perform the vital tasks of the Department. The Department should not lose any workers in Fiscal Year 1984.

Aid to Families with Dependent Children (AFDC)

There is no cost-of-living increase budgeted for AFDC in FY 1984. Recipients would continue to receive $189 a month, which is too little to live on. We urge that an increase be budgeted.

Information Systems

The Office of Information Systems in the Department of Human Services produces all of the data on clients, payments and personnel that the Department needs in order to function. The Office currently uses a computer that is 20 years old; sophisticated programs cannot be written on it. Many computer functions now contracted out could be performed in-house if the Office had newer equipment. Because it would improve the level of service provided the Department's clients, we urge the appropriation of the $400,000 needed to modernize the computer equipment of the Office.

State Student Incentive Grant

The State Student Incentive Grant program provides $1,000 college scholarships to 1,000 needy and deserving students each year. The District of Columbia and the Federal government each contribute about $500,000 to the program. The Federal contribution is a matching grant, so if, as the budget proposes, the District ends its funding of the scholarships the Federal government will do likewise, and the program will disappear. The program should be continued at full funding, but should be moved from the Department of Human Services to some other part of the budget where it better belongs.

Consultant Services

The money available to hire consultants in the Department of Human Services is being cut by 64 percent. In the past, consultants have saved the Department money, as when a management consultant helped improve the Department's personnel system. A realistic amount should be budgeted to pay for the cost of consultants.

Competitive Bidding

The budget says that the Department of Human Services plans to encourage more competitive bidding for services among potential contractors. We oppose this move. In a competitive award system, the major aim of every competing organization is to come in with the lowest bid. In other words, there is the danger that money will be the first consideration. In the field of human services, we think the quality of care should be the first and only consideration, and that the true level of quality can only be determined outside of a competitive environment.

In separate testimony to the Human Services Committee, GWOG-FOSS commented on the subsidy for D.C. General Hospital.

D.C. General Hospital

By providing medical care to all who need it, regardless of ability to pay, D.C. General Hospital lives up perfectly to our ideal of Government service. But because it provides free care, D.C. general requires a subsidy from the District Government. In order to maintain services at their present level, the Hospital requires a subsidy of $53.2 million in FY 1984. The City has offered $35.1 million, and an additional $8 million if the District receives the increase in the Federal Payment recommended by the President.

We hope that this Subcommittee appropriates the increase in the Federal Payment and allows the District to use the increase as it sees fit [see "The Federal Payment", below]. But even with the added $8 million, the Hospital will still be short $10 million in FY 1984. Faced with inadequate revenues—from the District and other sources—the D.C. General Hospital Commission has warned that it may have to close the Hospital. This cannot be allowed to happen. Sufficient funds should be appropriated to D.C. General to keep it open and fully functioning.

In testimony to the D.C. City Council's Committee on Housing and Economic Development in January, GWOGFOSS expressed concerns about the Department of Employment Services' proposed budget. The budget was improved, but is still inadequate in several regards.

Employment Services

Under the proposed budget for the Department of Employment Services, 695 fewer publicly-funded jobs will be available to D.C. citizens through the Youth Employment Act programs of the division of Program Operations. This is a total drop in employment opportunities of eight percent, but two of the four job-providing YEA programs are taking even bigger cuts: the Adults with Dependents component of the Act is losing 350, or 25.7 percent, of its job slots; and the Out-of-School component is going from 760 jobs to 415—a 45.4 percent drop.

The single largest reason for this big decrease in jobs is the redirection of funds from the two job-creating programs just mentioned to the new Training/Retraining component of the Youth Employment Act. All four of the existing Youth Employment programs will also take base reductions in their budgets.

The new Training/Retraining component will not provide jobs, only training. Participants will get no salary, only a small stipend (probably $30 a week). We agree that there is a need for job-training, but in bad economic times, as these certainly still are, training programs often prepare people for jobs that don't exist. Money should not be taken from programs that actually provide useful employment to pay for a program that only might lead to employment. The District should pay for both job-training and job-creation.

In February, the D.C. Housing Action Council, of which one of our members, The Metropolitan Washington Planning and Housing Association, Inc., is a member, voiced objections to the Mayor's proposed housing budget for Fiscal Year 1984 in a letter to the Chairperson of the Committee on Housing and Economic Development.

Housing and Community Development

The Housing Action Council presented three areas of concern: cuts in housing finance programs; the reliability of the public housing budget; and the strength of housing code and rent control enforcement.

The City Council added a significant amount of District funds to the Department of Housing and Community Development's budget. But problems remain. The rehabilitation financing budget is still being reduced by $900 thousand. And, in the second area of concern, rent collected from public housing is still expected to total $14.7 million, a projected $3.6 million increase from this year that the Housing Action Council calls a "soft spot" in the public housing budget. It points out that if this unrealistically high revenue projection falls short, "it becomes a de facto budget cut at the expense of tenants".

The third problem area—enforcement—requires careful attention, because three important policing agencies are being moved into a new City department, the Department of Consumer and Regulatory Affairs. The Rental Accommodations Office—formally an independent agency—and the Housing Inspections Office, formerly in the Department of Housing and Community Development, have already become a part of the new Department. The Condominium, Co-op, Sales and Regulatory Office, now in the housing department, will move to the new Department by October 1, 1983.

The District Government maintains that the point of this consolidation of housing regulatory fuctions is to strengthen code and rent control enforcement, and we hope that that is the result. But there is always the danger that by depriving the Rental Accommodations Office of its autonomy, and taking the other two agencies out of the housing department and placing all three in a new department containing many other regulatory functions, the budget needs of each will receive less attention, and their effectiveness will suffer.

This weakening by consolidation would be especially unfortunate in these offices, which handle the three largest areas of concern to housing consumers: condominium conversions, rent control, and inspections. We hope close watch is kept to make sure that the enforcement of the District's housing regulations is not impaired by this consolidation.

GWOGFOSS addressed the public school budget in a January letter to the D.C. Council's Committee on Education.

The Public School System

The budget for the District of Columbia Public Schools should be approved. This budget was formulated by an elected Board of Education, an elected Mayor and an elected City Council.

Any change in funding for the D.C. schools should come in the form of increased Federal aid to education. We urge the members of this Committee, both as members of the full Appropriations Committee and as individual members of Congress, to fight for increased Federal funding of Chapter 1, school lunch, and all of the other important Federal education programs.

CONGRESSIONAL CONCERNS

We understand that this committee has expressed concern over problems in certain of the District's human services programs. Among them, we understand, are the number of errors that D.C. commits in providing Aid to Families with Dependent Children, and the provision of shelter to homeless people from the suburbs.

As for AFDC, we understand that the Commissioner of Social Services, Audrey Rowe, explained to the committee that if the District's error rate was too high, that was largely due to changes made in the program in 1981 by the Federal government. We understand she said that social service workers and clients were poorly informed about the new rules. If it wishes to see a lower AFDC error rate, the Federal government should provide funds to train service workers—who often have only high school educations, and little or no training—in the many new regulations imposed in recent years by the Federal government, not only in AFDC, but in other benefit programs as well. It should also do more to inform clients about new eligibility standards and any other changes that affect them.

In regard to shelters for the homeless, we, like many others, have read and heard about instances of suburban social workers transporting homeless people from their jurisdictions to the District line because only D.C. has the facilities to house them. If the Federal government is concerned that money appropriated to the District is being used on non-D.C. residents, then it should pass legislation requiring all jurisdictions to maintain facilities to shelter the homeless.

Neither problem calls for any cuts in the District's budget, but rather for increased funding, legislation and effort from the Federal Government.

ST. ELIZABETHS HOSPITAL

In last year's testimony, we cited nine instances in the past 35 years in which the transferring of the Federal mental hospital St. Elizabeths to the District of Columbia had been proposed. We have supplied you with this part of last year's testimony. Now there is another study underway—by the Government Accounting Office—to determine how this transfer would best be effected. The biggest issue, of course, in the struggle over who should control St. Elizabeths is who should pay what for its operation. In that regard, the President—in the budget for the District he presented to Congress this year—has removed any limit on the amount the District should contribute to St. Elizabeths in FY '84. The District had placed a cap of $29.5 million on its contribution for FY '84.

This cap should be restored. Without it, the responsibility to make up all or part of the $39 million budget deficit the hospital is apparently facing might be shifted to the District, instead of remaining, as it should, with the Federal Government.

St. Elizabeths has been a Federal institution for 128 years. Primary financial responsibility for the hospital should not be shifted to the District of Columbia, which lacks the resources to assume it. We think the Federal government should take on the full cost of operating St. Elizabeths, and our reasons for this are presented on pages 9 and 10 of the accompanying section from last year's testimony. But in lieu of that, the plan to establish a quasi-governmental corporation to run the hospital—agreed upon in principal by both governments in 1980—should be pursued.

THE FEDERAL PAYMENT

We urge this Subcommittee to appropriate a full Federal Payment for the fourth year in a row, this time one of $386 million. However, this is only about half the amount some have calculated the Federal Government's presence costs the District each year. [Accompanying this testimony is our discussion of the Federal Payment from last year's testimony.] Therefore, we also urge the members of this Subcommittee to work for a fair and predictable Federal Payment based on a set formula. The establishment of such a system for ensuring an equitable Payment each year would finally fulfill the Federal Government's responsibility to the city it created.

We would like to take this opportunity to heartily endorse the bills already introduced, and those soon to be introduced, by Congressman Fauntroy that would: 1) allow acts passed by the City Council to take effect as soon as they are transmitted to Congress (instead of 30 legislative days later, as is now the case) and change the procedure for Congressional approval or disapproval of such acts; 2) eliminate line-by-line Congressional review of the D.C. budget; 3) give the District a voice in the selection of its judges.

TESTIMONY OF GWOGFOSS CONCERNING ST. ELIZABETHS HOSPITAL AND THE FEDERAL PAYMENT

ST. ELIZABETHS HOSPITAL

The Reagan Administration is planning to reduce the amount it spends on the Federal mental hospital St. Elizabeths and seek an increase in the District payment to the facility. District officials are resisting the move. But the question of who should pay what for St. Elizabeths--which is really only a part of the larger question of who should control St. Elizabeths--is not new. It has been debabated on and off for the past 35 years. Before giving our opinion of the present proposal, we thought it would be instructive to review the history of this issue.[1] We have identified nine previous proposals to transfer St. Elizabeths from Federal to local control:

1. In December 1946, during the Truman Administration, the District Budget Officer, Walter Fowler, urged the Commissioners to acquire St. Elizabeths from the Federal Government. Truman had ordered that military patients no longer be sent there, leaving the District as the source of 80 percent of the patients as well as 80 percent of the operating funds. At the time D.C. gave more money to St. Elizabeths than it did to all the municipal hospitals put together, or to the police department, and yet it had no control over how the money was spent. Fowler's plan was to lump numerous health and welfare functions together at St. Elizabeths to save the City money. The idea was considered inappropriate by the St. Elizabeths Superintendent, Dr. Winfred Overholzer, and by the D.C. Health Council.

2. In April 1953, Oveta Culp Hobby, the first Secretary of Health, Education and Welfare, told a Congressional committee that St. Elizabeths should be turned over to the District because it primarily served District residents.

3. In March 1965, Dr. Murray Grant, the Director of the D.C. Health Department, began a campaign to take over St. Elizabeths. His reason was that the trend toward community-based mental health care required local control of the hospital.

4. In 1968, President Johnson proposed "an orderly transition" for St. Elizabeths, from Federal to local control, "but only after a long-term

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[1] Except where noted, information taken from contemporary press reports.

upgrading of both the quality of the Hospital and the competence of the D.C. Department of Public Health."

5. In April 1969, President Nixon announced plans to transfer St. Elizabeths to the District ahead of the existing time-table. The American Psychiatric Association, the D.C. Mental Health Association, and Senator Joseph D. Tydings, Chairman of the Senate District Committee, among others, voiced opposition. In response, the Administration appointed a committee, under the chairmanship of Dr. Howard P. Rome of the Mayo Clinic, to study the situation.

6. In July 1970, the Rome Committee released its report, recommending the creation of an "independent Mental health Authority for the District of Columbia" which would incorporate "St. Elizabeths Hospital and all other public mental health services and facilities in the District... through a prompt but orderly transition process." The report said that the "Authority will consist of representatives from consumers and providers of mental health services both from the public and private sectors in the District of Columbia."2/

7. In January 1973, it was disclosed that President Nixon planned to propose the transfer of St. Elizabeths from the Federal Government to the District. In March it was reported that, due to complications, Nixon would postpone his recommendation.

8. In February 1975, President Ford proposed the transfer of St. Elizabeths to the District in his FY '76 budget. House District Committee staffers prepared a report that opposed transferring the facility until the District displayed a better administrative ability. Dr. Luther Robinson, Superintendent of St. Elizabeths, resigned during the course of the hearings on the proposed transfer; reporters at the time quoted sources who said he resigned because he opposed the transfer. It was revealed at these hearings that while 80 percent of the patients came, as they had since the late 1940's, from D.C., the City reimbursed the Federal Government for only about one-third of the operating costs.

9. In January 1980, President Carter proposed in his FY '81 budget

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2/ "Report of the Advisory Committee to the Secretary of Health, Education and Welfare on the Transfer of St. Elizabeths Hospital From D.H.E.W. to the District of Columbia," July 24, 1970, pp. 10-11 that a public corporation be established to manage St. Elizabeths. The corporation would be jointly accountable to the Secretary of the Department of Health and Human Services and the District Mayor.

The Carter Administration and the City went into negotiations over the form of the corporation, using the U.S. Government Controlled Corporation Act as a guide. This is the act used to create the Tennessee Valley Authority, the Postal Service and other quasi-governmental bodies. Health and Human Services Secretary Patricia R. Harris and Mayor Marion Barry signed a memorandum of agreement in July 1980. The final recommendations were delivered to the Health and Human Services Department in November, a week after the elections. Mrs. Harris took no action on them during the remainder of her term; Richard S. Schweiker, her successor, has not made clear the present administration's position on the agreement.

The plan calls for a public corporation with control over St. Elizabeths and all other mental health and alcohol and drug abuse programs in the District of Columbia. The Board of Directors would be named by the President, choosing one-third of the members from a list provided by the Secretary of Health and Human Services, one-third from a list prepared by the Mayor and one-third from his own list of candidates. The H.H.S. Secretary, the Director of the National Institute of Mental Health, and the executive director of the corporation would be ex officio members of the Board. The present division of expenses for St. Elizabeths would be retained for the entire corporation, with the Federal Government paying approximately 80 percent of the cost of operation and the District about 20 percent. To maintain this proportion, there would be no "cap" on the District's payment to the corporation as there is now on the one to St. Elizabeths; the amount would increase at the same rate as the rise in the health component of the Washington-Area Consumer Price Index. In recent years, the rate of increase for this component has been about 10 to 15 percent.

The first notice the District Government had that the present Administration intended to lower the Federal payment to St. Elizabeths and seek a roughly commensurate increase in the District's payment came with the release in early February of the proposed Federal budget for Fiscal Year 1983. The Administration had not even given any advance warning to the District, let alone consulted with it. The budget appendix states that "Personnel estimates for (1983) assume enactment of proposed corporation legislation." However, a spokesman for the Office of Management and Budget told us last month that the Administration had taken no official stand on any corporation plan, and as of late May neither the House District Committee nor the Senate counterpart had received any legislation to create a corporation. When and if this legislation is introduced, there is no assurance that it will be the same proposal worked out between the City and the Carter Administration.

Nearly everyone involved with St. Elizabeths that we talked to--management, employees, and District human services officials--sees this proposed shift of the cost burden as the first step in a forced transfer of the hospital from the Federal Government to the District. Over the years, there appear to have been four main reasons given for transferring control of St. Elizabeths to the District of Columbia. The first of these, that the District bears the great majority of the cost and thus has the right to direct how the money is spent, no longer applies: D.C. now provides only about 17 percent of the operating budget. The second reason is only half-valid, in that while both Disrict and Federal officials used to argue that continued Federal administration of St. Elizabehts was inconsistent with the ideal of Home Rule, now D.C. officeholders are no longer outwardly concerned with this supposed anachronism. Particularly appropriate to the current political climate is the third reason given for the transfer: that the Federal Government wants to cut its expenses and workforce. The present Administration may have launched its efforts to divest itself of the hospital for this third reason alone. But President Reagan claims he is as interested in clearly defining the relative health and human services responsibilities of the Federal Government and the states as he is in reducing the total cost of those responsibilities. That is the essence of his "New Federalism" proposal. That would also be the fourth reason: to return to a "state" its rightful responsibility for its citizens. Besides the Federal Government's disinclination to treat the District as a state in any other context, there are two other inconsistencies in this reasoning. The first rests on the fact that St. Elizabeths has been a Federal institution for 127 years and as such is hardly a historically local responsibility only recently shifted to the Federal Government, such as during the Great Society or even the New Deal. 20 percent of the patients are not District residents and some Federal research still goes on there. A transfer to the District would also run counter to the general trend of "New Federalism," which seeks to take health-care responsibilities away from the states and give them to the Federal Government.

It is in the spirit of this move to sharply define and divide responsibility that we propose that the Federal Government take on the full cost of operating St. Elizabeths Hospital. This action would end the ambiguity. It would firmly establish St. Elizabeths as a Federal institution serving Americans from many areas, with the District of Columbia only incidentally the source of most of the patients.

The District of Columbia lacks the resources to operate a hospital the size of St. Elizabeths, even if it were in perfect shape. But it isn't. Despite its regaining of accreditation, we have been told that many of the improvements are cosmetic and that staffing shortages persist. President Johnson's order that no transfer take place until St. Elizabeths is in good health is still worth following. The District has many other health and human service needs that could be met with the $23 million it would no longer spend on the hopital. The officials and employees of St. Elizabeths--the people actually responsible for the patients' care--would be happy, since all the ones we talked to said they wanted to remain under Federal control. The certainty of that continued control that complete Federal financial responsibility would connote is especially important: employees told us that the rumors and speculation of the last five months about the hospital's fate have severely hurt morale.

There is certainly precedent for the Federal Government's providing special services to the District of Columbia. Once it has been settled that St. Elizabeths belongs to the Federal Government, and that the health care provided D.C. residents is a Federal service to the District, this service can be included in the calculation of a fair Federal Payment.

THE FEDERAL PAYMENT

Ever since 1802, when the District of Columbia's early residents asked the Federal Government to help pave the new Capital's streets, the citizens of the District have recognized the responsibility of the United States Government to help the city it spawned.[3] Unfortunately, the Federal Government has not always recognized what it owes the District: for many years the streets went unpaved. Still, Congress made intermittent payments of varying size to the local government for the next 30 years, and, after Congressional panels reported in the 1830's that the District couldn't afford--largely because of the Federal presence--to pave Pennsylvania Avenue, the Federal Government not only paved the thoroughfare, but made the Federal Payment more regular and generous. For the next 40 years the Payment constituted an average of about 40 percent of the total District budget. The District of Columbia Organic Act of 1878, besides creating the commissioner-form of government, called for all local tax revenues to be deposited in the U.S. Treasury and for Congress to exercise the total control over the District budget that it still enjoys today. But in return, the Federal Government would provide half the operating budget for the District. This system prevailed for nearly half a century, then was abandoned in the 1920's in favor of the unpredictable "lump sum" payment used ever since. The Senate D.C. Appropriations Subcommittee recommended a formula payment in 1944, but was ignored. In 1973, the Senate-passed charter bill creating partial home rule called for a fixed payment of 40 percent of locally raised revenue. The House version called for continuation of the lump sum. The House version prevailed.

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[3] This and following historical information: The Federal Payment to the District of Columbia, 1790-1980, (Staff study for the House District Committee), August 14, 1979

There are, of course, many issues involved with the Federal Payment. But it is interesting to note that the difference between what the District received in FY '81 as a Federal Payment ($300 million) and what it felt it was owed ($759.9 million) is roughly equal to the amount the District calculates it loses because Congress prohibits the District from levying any form of non-resident income tax.[4] This is apparently pure coincidence, since the Federal Government officially maintains that the cost of the Federal presence cannot be quantified, and therefore could not be withholding the cost of that one item. But the fact remains that if Congress would give the District the right to tax the income earned by commuters, which constitutes two-thirds of all personal income earned in D.C., the recent size of Federal Payments would nearly cover all of the other financial losses incurred by the District because of the presence of the Federal Government. As the Committee well knows, all other states and localities reserve the right to tax the incomes of non-residents and scores of municipalities, especially throughout New York, Pennsylvania, Ohio and Kentucky, exercise that right. If Congress is concerned about double taxation of Maryland and Virginia residents who work in the District, it should rest assured that both groups of commuters would demand and receive a commensurate reduction in their state taxes. Maryland and Virginia would lose a lot of revenue, of course, but that is a problem to be confronted after the District is allowed to lay its rightful claim to part of the $8.6 billion earned each year within its borders by non-residents.

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[4] The Federal Payment, FY 1983: District of Columbia Government, (Prepared for the use of the District Council), January 1982

On May 22, 1896, the House District Committee unfavorably reported out a bill to repeal the 50 percent Payment, stating in part: "The circumstances under which the national capital was founded by the National Government for its own use created an equitable obligation on the part of the National Government to share the expenses of its maintenance and development."[5] This is the key point in any discussion of the Federal Payment: The District did not ask to be created. And just as a child has the right to look to his parents for adequate support, so the District can expect--even in maturity--to receive ample, predictable financial compensation from a Federal Government whose presence is a continuing burden.

This committee does not have the authority to begin the process of creating a fair Federal Payment (although its members as individuals are urged to take up the drive for one). But it can further the cause of predictability by approving a full Payment for the third year in a row. The Payment authorization has been raised from $336.6 million to $361 million, and it is equally important that the Payment increase be appropriated for the purposes decided upon by the District Government. Those decisions--to give $15 million to the Medicaid program, use $8 million for pay raises, and put $2 million to miscellaneous uses--were made before the release of the Federal budget, which, as has already been noted, was the first the District knew of the St. Elizabeths plan. The Federal Government and the District had reached agreement on the Payment boost by December of 1981, prior to the release of the Federal budget in February of this year.

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[5] Federal Payment, District Committee Report, op. cit., p. 14

Members of GWOGFOSS

The Adelante-Advocacy Center

The Adelphi Friends Meeting, Peace and Social Order Committee

The American Federation of Government Employees, Council 211, AFL-CIO

The American Federation of State, County and Municipal Employees, Council 20, AFL-CIO

The Fairfax Unitarian Church, Social Action Committee

The Gray Panthers of Metropolitan Washington

The Greenbelt Peace Committee

The Hotel and Restaurant Employees Union, Local 25, AFL-CIO

The Metropolitan Washington Council, AFL-CIO

The Metropolitan Washington Planning and Housing Association

The Northern Virginia Branch of The Washington Urban League, Inc.

The Prince George's County Gray Panthers

The United Food and Commercial Workers, Local 400, AFL-CIO

The Washington Peace Center

The Washington Teachers Union, A.F.T., AFL-CIO

The Washington Urban League, Inc.

Wider Opportunities for Women

The National Center for Law and the Deaf

STATEMENT OF BLAINE GARDNER

Senator SPECTER. Next, we will hear from Elaine Gardner, of the National Center for Law and the Deaf.

Ms. GARDNER. I have submitted written testimony. What I am here basically for today is to request a fund be established for the D.C. Superior Court so it might provide sign language interpreters for deaf litigants. Currently, the civil division refuses to provide those interpreters and even in the criminal division it is sporadic.

Senator SPECTER. How is it handled for the deaf?

Ms. GARDNER. They are foreclosed from bringing cases to the court, or they will just write.

Senator SPECTER. How about criminal cases?

Ms. GARDNER. To get them to trial level, they get an interpreter——

Senator SPECTER. How about if the deaf person is a defendant, is there a constitutional right? Are you a lawyer?

Ms. GARDNER. Yes.

Senator SPECTER. Have you represented deaf people?

Ms. GARDNER. We have not handled deaf criminal litigation, but we handle civil litigation.

Senator SPECTER. How much do you think the service should cost?

Ms. GARDNER. I think it wouldn't cost more than $2,000 or $3,000. We don't know how much deaf people are precluded from using the court system.

Senator SPECTER. Larry Polansky included $5,000, but it was disallowed.

Ms. GARDNER. I know. That would have covered all languages with a contract with a local university. The civil part has an obligation under section 504 of the Rehabilitation Act to provide these services. However, because the funding doesn't come from agencies, but from Congress, we can't compel them to comply with this.

Senator SPECTER. Have you seen specific instances——

Ms. GARDNER. I have seen deaf people who did not go to court, where they knew they would have to provide their own interpreters.

Senator SPECTER. Anything other than that?

Ms. GARDNER. I have seen deaf women seeking protective orders from abuse, and the matter is delayed while the court decides who is going to provide the interpreter. In the landlord and tenant court, the people just don't present a defense.

Senator SPECTER. Thank you. This is a significant problem, and we can look to see whether the disallowance by the city budget officer can be rectified. Again, it is a balancing matter.

Ms. GARDNER. As far as the deaf people go, there is a Federal obligation with the Superior Court. The Congress has already spoken to courts' requirements to provide sign language interpreters.

Senator SPECTER. If that is so, why can't those rights be enforced by a lawsuit?

Ms. GARDNER. What we have tried is to file administrative complaints with the various agencies. However, we found that DOJ doesn't continue to fund the D.C. Superior Court in any significant respects. The Office of Revenue Sharing doesn't fund it. So there is no mechanism. We could file a legal action. However, we prefer not to do that, and also there is no regulation that we can look to, no agency regulations.

Senator SPECTER. If you were saying that the Congress has mandated that such services be provided, wouldn't that be subject to a lawsuit which would compel the provision?

Ms. GARDNER. That would be our last recourse, yes.

Senator SPECTER. Thank you very much. Your statement will appear in the record.

Ms. GARDNER. Thank you.

[The statement follows:]

STATEMENT OF ELAINE GARDNER

The National Center for Law and the Deaf (NCLD) appreciates this opportunity to submit a statement before the Senate Subcommittee on Appropriations to the District of Columbia. The NCLD, established in 1975, is a public service of Gallaudet College, providing direct legal services to metropolitan D.C. residents who are hearing-impaired. The NCLD also serves as a national information center on the legal rights of hearing-impaired people. We think it is of critical importance that this Subcommittee develop a funding mechanism to enable the District of Columbia Superior Court to provide sign language interpreters[1] to hearing-impaired persons utilizing the services of the court.

Currently, the Superior Court refuses to provide sign language interpreters for any civil case, and fails even to provide consistent interpreter services in criminal matters.

This month, in a preliminary proceeding in the Juvenile Branch of the Superior Court, a school counselor who is herself deaf had to serve as an interpreter for the deaf juvenile, as no arrangements for interpreter services had been made. The attempt to use another deaf person to interpret what is said in court indicates a basic lack of understanding on the part of the court as to the needs and rights of deaf persons.

With the exception of the District of Columbia, every state has a court interpreter law for hearing-impaired persons. These court interpreter laws provide for sign language interpreters at court proceedings wherein hearing-impaired persons are parties or witnesses. The majority of these laws provide for civil as well as criminal proceedings. Moreover, state and many local court systems, as recipients of funding from federal agencies, must comply with section 504 of the Rehabilitation Act of 1973 (section 504)[2] and its regulations.[3] The regulations require recipient court systems to provide and pay for qualified sign language interpreters for hearing-impaired persons using the court and court related services.[4]

The District of Columbia has no legislation regarding the provision of sign language interpreters in any court proceeding. The District of Columbia City Council has maintained that it does not have the requisite jurisdiction to promulgate interpreter legislation for the Superior Court. Moreover, Superior Court funding comes directly from Congress, and not from any federal executive agency. Therefore, the Superior Court cannot be compelled through any section 504 agency regulation or procedure to comply with its section 504 obligations to hearing-impaired persons.

Attempts to remedy this situation through the court system itself have proved futile. Recently, a motion was brought before the Small Claims and Conciliation Branch of the Superior Court for court provision of sign language interpreter services, and for adoption of a court-wide policy regarding these services. This motion was referred to Chief Judge Carl Moultrie, who ruled that such requests are to be heard on a case-by-case basis.

A case-by-case approach is not adequate to meet the basic requirements of due process, or the needs of hearing-impaired persons as recognized by Congress in its adoption of section 504. It assumes that court clerks have knowledge of the procedures on obtaining interpreter services, and that court personnel understand the court's legal obligations. In fact, the case-by-case approach wastes a great deal of court time and generally results in a failure to provide these necessary services. Not once, to our knowledge, has the Civil Division agreed to provide sign language interpreter services, despite numerous requests. We have been told by judges in the Civil Division that they lack both the authority and the specific funding to enable them to order provision of sign language interpreters.

Due to this situation, deaf persons are foreclosed from bringing many civil matters to court in the District, as the amount at issue often cannot justify incurring the expense of an interpreter. Moreover, hearing-impaired defendants in civil matters must choose between presenting an incomplete defense or the possibility of bearing the additional expense of an interpreter. (At times, cases are continued, and the deaf parties are instructed that they must bring an interpreter to the next court appearance.) Finally, any litigant who must rely on a hearing-impaired witness may be penalized by ultimately bearing the cost of the necessary interpreter.

The Criminal Division of the Superior Court seldom provides interpreter services for meetings with court-appointed attorneys, or for preliminary proceedings.[5] As many criminal cases are resolved prior to trial, the majority of these defendants never have a clear idea of what has happened in their case. When the cases are dismissed, with no explanation in sign language, the deaf defendant is left with an impression that the criminal justice system will hesitate to prosecute deaf persons. The court experience, which could prove to be a deterrent, becomes instead an incentive to criminal conduct.

A common misconception at the D.C. Superior Court about deaf people is that they all read lips. Very few deaf people can read lips well enough to understand speech, even under optimum conditions. Even the best speech readers cannot understand what is being said in a courtroom situation, where speakers are distant, lighting is poor, speakers change without warning, and unfamiliar or technical words are used. For these reasons, speechreading is seldom sufficient in itself to ensure effective communication in court.

Many times the court system attempts to rely on written notes and documents to communicate with hearing-impaired persons using the system. This attempt is seldom effective or appropriate. A written transcription of what is said in court is tedious, cumbersome and time-consuming for court personnel. Written messages are frequently condensed. The writer omits much of the information which would otherwise be communicated so that the deaf person does not get the same amount of detail that a hearing person would.

Many deaf people, especially those who lost their hearing before learning to talk, have much difficulty with written as well as spoken English. For such people, English is virtually a second language. They may, despite a normal intelligence, have a limited English vocabulary and grammar. This can lead to numerous misunderstandings if written communication is used.

The Superior Court also has a tendency to use unqualified people as sign language interpreters. An example of this can be found in the Criminal Division where lawyers who know some basic signs are regularly appointed to represent deaf clients. Additionally, the Civil Division has recently expressed interest in training personnel in sign language so that they may be used as interpreters. Knowledge of basic sign language can be of assistance in many situations. However, a person knowing some signs should never be confused with a professional interpreter. American Sign Language (ASL) is a distinct language from English, with its own syntax, grammar, and vocuabulary. Important legal concepts are difficult to translate into ASL. This important and difficult task cannot be performed by one who has only a beginner's knowledge of the language.

The District of Columbia has two interpreter referral agencies[6] with which the Court might contract to ensure prompt provision of qualified professional sign language interpreters.[7] As an alternative, the Court might elect to create a position for a professional interpreter to be utilized by all divisions and branches.

To this end, we request that a modest fund be established to pay sign language interpreters and that the Court be authorized and encouraged to utilize sign language interpreters in all civil and criminal proceedings involving deaf persons. It is our experience that an average of only one or two cases a month go before the Superior Court directly involving a deaf person. In each of these cases an interpreter is required for an average of approximately two hours. Therefore, a modest fund for this purpose would be sufficient, and would save considerable judicial and administrative time involved in a case-by-case approach. Moreover, the District of Columbia court system would be brought into compliance with federal law, and hearing-impaired persons would be ensured equal access to the Superior Court.

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[1] The majority of profoundly deaf individuals use sign language to communicate. However, some deaf people rely on lipreading alone, and require "oral" interpreters to make the court proceedings visually accessible to them. References to interpreters in this testimony should be understood to include oral interpreters when lipreading is the deaf person's preferred mode of communication

[2] 29 U.S.C. §794, as amended.

[3] The Department of Justice Regulation to section 504, 28 C.F.R. Part 42; Office of Revenue Sharing Regulation, 31 C.F.R. §51.55.

[4] 28 C.F.R. 42.503(f); 28 C.F.R. Part 42, Subpart G; 31 C.F.R. §§51.55(b)(i)(iii) and 51.55(b)(4).

[5] When such requests for interpreters are made in the Criminal Division, they can generally be funded by the Criminal Justice Act.

[6] These two agencies are Deafpride, Inc., 2010 Rhode Island Avenue, N.E., Washington, D.C. (202) 636-8330; and Sign Language Associates, 918 16th Street, N.W. Room 603, Washington, D.C., (202) 861-0593.

[7] In Maryland, a contract between the state court system and an interpreter referral agency has proved very successful.

THE EIGHTEENTH AND COLUMBIA ROAD BUSINESS ASSOCIATION

STATEMENT OF GEORGE FRAIN, SECRETARY

Senator SPECTER. Next, we will hear George Frain, Secretary of the Eighteenth and Columbia Road Business Association, Mrs. Len, Mrs. Frazier, Mrs. Schindel, and Mr. Beaver.

Mr. FRAIN. Thank you, Mr. Chairman.

Senator SPECTER. You may proceed, Mr. Frain. We appreciate your being with us. The statement you have provided will be made part of the record.

Mr. FRAIN. Thank you. I would like to proceed in support of the position stated so clearly earlier by Alan G. Kirk, senior vice president and general counsel of PEPCO. The city's plan is opposed by the Federal Government and the GSA. We feel that the city is at fault in not providing funds in the fiscal year 1984 D.C. budget for streetlighting.

Because there are so many of them, the city's poor families and small businesses would have to pay the lion's share of the $12 million for streetlighting.

As to the police and fire clinic, which the D.C. government proposes to close down and the witnesses from the D.C. Firefighters' Association testified on this earlier, the police and firefighters have opposed the closing of the police and fire clinic because they are afraid they will get poor medical care in the city's clinics.

The solution which your committee might consider would be to provide the medical care at D.C. General Hospital, which has become one of the city's better hospitals.

It has a budget problem which we called attention to in one of the statements submitted for the Federation of Citizens Association.

In my testimony of the 18th and Columbia Road Business Association, I have suggested a new inexpensive angle street parking plan for the downtown area. So far, downtown has received $500 million in public funds up to December 1978, according to a Greater Washington Board of Trade press release.

Savings in the downtown area could free up funds for streetlighting and other priority needs.

I am submitting this morning petitions for this new parking plan signed by 27 downtown D.C. businesses, business people.

On the Federation statement, I would like to say that the Federation for Citizens' Associations adopted a resolution with regard to a proposal presented to you, Senator Specter, in which Mayor Barry says the accumulated deficit came about through decades of Federal financial management and budgetary decisions. We think that statements, particularly by Congressman Stuart McKinney, ranking minority member of the House D.C. Committee, and an expert, since he has been there for many years, indicate that the bulk of the accumulated deficit of $296 million is due to rises from the city and not from the Federal Government.

So we suggest if you are at all inclined to advance $100 million in additional Federal payment to the city as suggested by the Mayor, that this go to eliminate or to help a deficit in the pension funds where the Federal responsibility is much clearer, and Mr. Frank Higgins, who is head of the D.C. Pension Board——

Senator Specter. If we seek to reduce one deficit, we simply expand the other.

Mr. Frain. No, Mr. Chairman, I respectfully don't think this is the case. The deficit, that is, the accumulated deficit of——

Senator Specter. I am talking about the Federal deficit.

Mr. Frain. Well, let me say this: There was a proposal which President Carter vetoed, which would have eliminated or largely helped solve this tremendous deficit in the pension funds, which cover police, fire, teachers, and judges. According to Frank Higgins, who is chairman of the congressionally established D.C. Pension Fund Board, by the year 2004 the pension fund would have a deficit of $8 billion.

I admit that there are much more serious things for the city, I mean for the Congress, to address, and contribute funds to than the $296 million accumulated deficit, operating funds deficit, which would be solved by the city adopting a sounder proposal. I mean live within its budget.

Senator **Specter**. Thank you very much, Mr. Frain. Just one final question. How many members do you have in the 18th and Columbia Road Business Association?

Mr. **Frain**. In addition to the Mayor, we have 100 members. I do have here a list of the executive committee, and I am submitting the petitions signed by 27 businessmen, and I will submit this.

Senator **Specter**. Thank you very much. We are very pleased to receive it.

[The statement follows:]

STATEMENT OF J. GEORGE FRAIN

I am J. George Frain, I am Vice President of the Federation of Citizens Associations of the District of Columbia. It is always a pleasure and a privilege to testify before your Subcommittee, and I say this on behalf of our Federation, its members, and its President Stephen A. Koczak. He expresses his regrets that he could not be here today.

With your permission I would like to include two Resolutions on the FY 1984 D.C. Budget together with supporting exhibits and this statement, and proceed orally, for the time you give me.

First, let me say our Federation adopted one of our resolutions following the appearance of a Washington Post report of April 19, 1983 stating that Mayor Barry had presented a proposal to Congress that both the city and Federal Government would each pay off $100 million of the debt of $296 million in accumulated operating deficits, with the remaining $100 million to be financed by municipal bonds. Mayor Barry stated in his proposal to Congress that quote "The accumulated deficit condition itself came about.... through decades of federal financial management and budgetary decisions." As you will see from our Resolution and attached exhibits there is a conviction in the House of Representatives that the accumulated operating deficit of $296 million came about since Home Rule was adopted in 1973 and is the result of the D.C. Government spending more than it took in. Since the D.C. Government is supposed to live within its budget, and have a balanced budget,how did the $296 million accumulated operating deficits come about, who is responsible, the Federal Government, or the D.C. Government, and is this huge deficit legal, was it incurred illegally?

Second, as to the issuance of bonds, Congress did not adopt H.R. 1807 in 1981 which was designed to give Congressional authority to paying off the accumulated deficit, or part of it -- some $184 million of it--by bonds. Among other things, Congress objected to issuing bonds to pay off accumulated operating deficits. Members of Congress stated that traditionally, cities pay for annual operating costs with taxes and other annual revenues. Bond sales usually are used to raise revenue for capital projects. We include statements of Members of Congress on these points.

Third, Congress adopted a bipartisan bill, H.R. 4910 in 1981 to revise and amend the D.C. Home Rule Act to eliminate certain legal impediments in that Act to bond sales so new legislation such as proposed by Mayor Barry is not needed. The co-sponsors of H.R. 4910 included: Representatives Bliley, Dellums, Fauntroy, McKinney, Dymally, Barnes, Gray, Leland, and Parris all of whom are members of the House District of Columbia Committee

City Council Chairman David Clarke told us recently in his office that the city's budget problems were complicated by Mayor Barry's promise during his re-election campaign to raise the salaries of D.C. employees and not to engage in any reduction-in-force whatsoever during his second term as Mayor. This means guaranteed jobs and higher salaries no matter what the city's financial or personnel needs are. One of the union leaders active in getting these promises from Mayor Barry, the President of the American Federation of Government Employees (AFGE) recently ordered a staff reduction-in-force in his union. Why do D.C. taxpayers have to pay in the FY 1984 D.C. Budget to implement candidate Barry's campaign promises which he made to obtain union support for his re-election. Why should Congress and your Subcommittee help Mayor Barry keep his campaign promises. Why does Mayor Barry feel he must keep those promises when the head of that labor union fires employees? Is it because D. C. employees vote as a bloc and employees of that union have no say in the management of that union? Where is the reciprocity? Where is consistency? Certainly, if the District of Columbia finds itself in the same situation as the AFGE, that is, with revenues lower than expenditures,it should follow the AFGE practice rather than the AFGE slogans for employees other than its own. Does fiscal prudence apply to the union but not to the city?

As to the Mayor's proposal for liquidating the accumulated debt, we urge that the Congress attend instead to the need to fund pensions for D. C. police, firefighters, teachers and judges. We believe that would be far more prudent than financing $100,000,000 of accumulated operating deficit. The operating deficit, on the other hand, should be solved the same way as AFGE has solved its own operating deficit, by a reduction of expenditures.

We are also opposed to any authorization to liquidate the accumulated operating deficit through the issuance of bonds. Rather, the city should raise money by selling property it owns at proper market value. We are opposed to the massive reductions in property sales to favorite developers at the cost of the tax-paying residents.

Finally, we are opposed to the Mayor's plans to reduce the current deficit at the cost of the health and welfare of the less fortunate residents of this city. One of our resolutions takes note of the refusal of the Mayor and City Council member Polly Shackleton to take seriously the parlous situation of D. C. General Hospital, which might be forced to discontinue many or all of its health services unless a proper appropriation is made to cover its expenses. We ask your Subcommittee to add the $4.2 million to the amount proposed by Mayor Marion Barry.

As we have stated explicitly in the two Resolutions to which we referred, the Federation of Citizens Associations seeks equity to all the residents of the city by addressing fiscal problems in a prudent manner, avoiding deficits yet providing the necessary health care to those who are in need. There are many alternative sources of revenue available in this city, primarily in the large real estate holdings of the District, which should be sold at current market values. The Mayor's policy of selling them to favored interests at lower rates deprives the city in the first instance of proper income and deprives it in the future of the taxes paid on higher market values which the properties have.

This practice of selling land far below market value is not new under the policies of the Mayor. On November 11, 1979, for example, The Washington Post wrote:

> "..All the same, there are some troublesome aspects. *Which* blacks should profit? The mayor's policy of settling windfalls on a few *political* influentials is unsatisfactory; making millionaires of a few well-connected lawyers is a perversion of minority participation"....

This "perversion" continues. On May 21, 1981, The Washington Post reported the sale of the"potentially lucrative Metro Center sites to two leading developers at a reduced price".....The Metro Center development team also includes former banker Orlando Darden, attorney Ruby McZier and Senate aide Carolyn Jordan, *who have a right* to organize groups of minority investors who could buy up to 20 percent of Carr's 70 percent share..."(italics added).

For the reasons given, we oppose the Mayor's proposals, believing them to be unfair to D. C. taxpayers and unjust to the city's sick and poor.

LETTER FROM J. GEORGE FRAIN

June 15, 1983

Hon. Arlen Specter, U.S.S.
Chairman, Appropriations Subcommittee
on the District of Columbia
Russell Senate Office Building-Room 150
Washington, D. C. 20510

Dear Chairman Specter:

There are a number of items in the FY 1984 D.C. Budget which need to be given special attention by your subcommittee. I list some below with some recommendations for you to consider in connection with the D.C. budget for FY 1984:

The Budget for Office of Planning and Development Must be Increased

The Office of Planning and Development is now engaged in preparing the Comprehensive Plan for the District of Columbia. Congress itself mandated the preparation of such a new plan by the D.C. Government in the D. C. Home Rule Act of 1973. The preparation of such a plan is a massive task and often takes years.

At this critical period in the city's life, Mayor Barry's FY 1984 budget proposed a 10.5 percent cut and a loss of five positions in the Office of Planning and Development. I feel that this cut is most unwise and most unfortunate. Citizens are blaming the planners, not the Mayor and City Council.

David K. Hartley, Vice President for Policy, National Capital Area Chapter, American Planning Association, has provided me a copy of a memorandum he wrote to the Executive Committee of the National Capital Area chapter protesting these cuts, and pointing out that letters had been hand-delivered to Mayor Barry's office, and to Chairman David Clarke of the D. C. City Council in support of a full budget for the Office of Planning and Development. Copies are attached.

In the letter to Mayor Barry, which was dated December 21, 1982, George S. Colyer, president of the National Capital Area Chapter of the American Planning Association, wrote:

> "We understand the OPD annual budget has been around $3 million. Central cities in other parts of the country with a similar population level have budgets in the $4-$5-million level, and it is these cities with which we vie for economic investment. As the Nation's Capital (epitomized in the city's advertising slogan "Washington Is A Capital City"), we have a special obligation to maintain a beautiful and efficient city in which the Congress and the citizens of the United States can take pride. Planning and maintaining a beautiful city cannot be done without adequate budget to hire skilled professionals and provide services for the investment community."

Some people have been cynically comparing the ancient Egyptian demand that the Israelites make bricks without straw with the present situation where Congress mandates a Comprehensive Plan and Mayor Barry cuts the budget and staff of the Office of Planning and Development. I therefore urge your Subcommittee to vote $5 million to the Office of Planning and Development and restoration of at least five positions and additional staffing as needed. I attach the exhibits I have referred to and quoted from. I will now try to justify this request for full funding.

I also attach pages 50, 51, and 52 of Chapter 7 of the staff draft of the Comprehensive Plan dealing with Urban Design. Please note the numerous points where the Federal and District of Columbia governments must work together to develop and implement the Comprehensive Plan for the Nation's Capital.

The good, indeed superior, planning demanded by the Comprehensive Plan cannot be achieved by cutting funds and staff as the result of penny-pinching, penurious, Scrooge-like approach to the one D.C. agency charged with developing the Comprehensive Plan,.and in this connection it might be helpful to note the much larger staff and budget Congress gives the National Capital Planning Commission even though its duties and responsibilities regarding the Comprehensive Plan are minimal.

CONGRESS MUST ASK D.C. PLANNERS TO GIVE PRIORITY TO REDUCTION OF THE LARGE UNEMPLOYMENT IN THE NATION'S CAPITAL

The U.S. Congress has taken little real interest in reducing unemployment in the Nation's Capital beyond shovelling out funds for 9-week summer jobs. As a result unemployment is higher in D.C. than in the nearby Maryland and Virginia jurisdictions. Congress must do more, it must take a real interest, and keep after the D.C. Government and the Office of Planning and Development to take real steps to enlarge the private sector, to help the private sector provide jobs including blue-collar jobs. This can be done best by assisting small business with low-interest loans in conjunction with a beefed-up staff in the Office of Planning and Development, with a budget comparable to other cities and a comparably skilled staff.

Clearly, something is wrong when, after the expenditure of hundreds of millions of dollars in Federal and D.C. tax funds, R. Robert Linowes, former president of the Greater Washington Board of Trade with its sole interest in the Downtown sector, can tell the National Conference of Christians and Jews that--

> "The gap between social groups in the metropolitan Washington area is wider and potentially more dangerous than at any time in the past decade...Despite the real economic progress in our midst, it remains a veneer that still does not penetrate deeply enough for many groups. In fact, the more highly polished the surface has become, the more pronounced are the differences between those who have --and those who don't. The gulf is growing deeper ...We face the possible breakdown of our social programs... This community has been struggling for years to reduce outrageous levels of minority youth unemployment. But we have made only a dent. And now we are confronted by an even more serious dilemma--a significant increase in the number of unemployed heads of households."

If a well-informed leader such as R. Robert Linowes can justly label the things the city and Federal government have spent more than $500 million for in the Downtown area "a veneer that still does not penetrate deeply enough for many groups", if he can justly call the progress downtown nothing more than a "polished surface" and can say we face a dangerous future, then it is time the Congress and your Subcommittee took steps to help the District Government do more to provide jobs and business opportunities in order to reduce the mounting unemployment than Congress has ~~done~~ done.

How much has been spent by the D.C. and Federal Governments on "veneer" and "polished surfaces"? The Metropolitan Washington Board of Trade press release of December 20, 1978 -- four and a half years ago -- said this:

> "Downtown is undergoing a major revitalization effort. The report [by the Metropolitan Washington Board of Trade] identifies 53 projects representing a total construction and renovation investment of over $1.3 billion... Downtown revitalization reflects a balanced public-private investment effort. Fifty-five percent of the investment identified is to come from private sources, the balance from public investment."

"The balance from public investment" cited by the Board of Trade press release by December 20, 1978 amounted to $500 million.

Mr. Linowes(and the Office of Planning and Development) has not revealed how much of that huge public investment of $500 million is "veneer" and "polished surface" but clearly a significant portion of that vast sum must have been for these things or he wouldn't have spoken of them as the WashingtonPost reported.

Clearly, the Congress ought to go about making sure that the public funds it appropriates should be for more substantial things than "veneer" and "polished surface" -- at least it would seem so to this observer.

Is the Downtown area a success or is it a "Potemkin Village" made up in part of "veneer" and "polished surface"? Fortune magazine called Downtown a picture postcard area, in an article about the real D.C. and its slums and disease some years ago. Note, Perpetual American Federal Savings and Loan, an institution with $1.5 billion in deposits moved to Alexandria, Virginia in 1981. It gave as one of its reasons for relocating in Virginia, after more than 80 years in the District of Columbia, that the $25 to $35 per square foot rents in the Downtown urban renewal area were too high, and it said rent in its Alexandria site is $8 per square foot plus utilities as compared with $25 to $35 per square foot in the District.

The Washington Post reported that other firms were relocating out of the city, because of such high rents. Only certain firms can afford to pay such high rent. If large and small businesses are leaving the Downtown area because of such high rents should the Congress and the D.C. Government continue to pour tax funds into the Downtown "golden square mile" which can only make rents go even higher?

West of 15th Street, where there is no urban renewal project and no DC planners or subsidies the city is growing rapidly. City planning appears to be the real drawback in the Downtown area with developers expecting to get substantial write-downs which they don't get elsewhere, and well-connected lawyers getting 25 percent of the "action" while small businessmen were kicked out after years and years of paying taxes and providing employment in the city's lean years.

Now, the Mayor's Downtown Committee is pushing the Office of Planning and Development hard to include some expensive "Recommendations for the Downtown Plan" in the Comprehensive Plan so they will be approved by the City Council and Congress. There is no price tag for these new "Recommendations for the Downtown Plan" but, be assured, they will be expensive which is the reason a price tag wasn't attached.

Can anyone in the Senate or House of Representatives convincingly explain why Downtown D.C. should be an urban renewal project area on a par with the burned-out corridors of 14th, 7th, and H Streets, NE, or Anacostia, or the Latino and Black sectors of Adams Morgan and Mount Pleasant? It is clear that the Downtown area did not suffer one bit from the 1968 riots. Congress made Downtown D.C. an urban renewal area before Home Rule, and Congress should act to wean this "golden square mile" calf, and make it stand on its on feet, and use the tax funds for more worthy and justifiable projects which will reduce the lengthening unemployment lines. Why does the Downtown area get more funds and better treatment than the burned-out corridors for example? Inner city areas such as Adams Morgan and the riot corridors want jobs and business opportunities and housing, they don't want "veneer" and "polished surface".

We are not alone in our view that economic development must be balanced between the Downtown area and the neighborhoods. For example, the highly regarded Metropolitan Washington Planning & Housing Association in its comments on the staff draft Comprehensive Plan for the Nation's Capital said and I quote:

> "Economic development must be balanced between downtown and the neighborhoods. In the past, most of the emphasis has been on large scale, downtown projects. Not only do we need to create jobs in all parts of the city, but D.C.'s quality of life depends, at least in part, on convenient access to neighborhood goods and services. Economic development is closely linked to housing. Unless people have jobs that pay adequately, they cannot afford housing they need. The draft plan acknowledges this when it says that 'overcrowding is generally a symptom of inadequate income' (p. 155) and will persist until the income problem is eradicated."

David K. Hartley, chairman of the Ward One Planning Task Force appointed to advise City Councilmember Frank Smith (Ward 1) on planning matters, testified before the Office of Planning and Development May 24, 1983 on the Comprehensive Plan. David Hartley, a member of the National Capital Area Chapter, American Planning Association, is highly regarded in Ward One which is characterized by much unemployment, and a large number of Latino families who desperately need housing, jobs, and business opportunities.

Hartley told the hearing officer for the Comprehensive Plan in Room 500, City Hall:

> "The Citywide Comprehensive Plan puts too much emphasis on Downtown as the source of employment, jobs and prosperity --equal attention must be given those outlying neighborhoods that are suitable for development, of which there are several in Ward One."

George Frain, testifying for the broad-based Adams Morgan Community Development Corporation, strongly supported the views of the Metropolitan Washington Planning & Housing Association. At one point in his testimony, he said:

> "Under the staff draft Comprehensive Plan, the major help will continue to go to the Downtown area. There is a discredited theory that if the rich are made richer that their prosperity will trickle down and benefit the low-income families. This is known as the "Trickle-Down Theory"--and it is

especially liked by rich Democrats and rich Republicans. President Reagan is credited with supporting "Trickle-Down". This is clearly the theory back of the Downtown Plan: make the big Downtown developers and a few well-connected lawyers rich, and it will benefit the poor people and the unemployed in the far reaches of the inner city. Frankly, I am concerned that the city's staff draft Comprehensive Plan is putting so many of its eggs in the Downtown basket, while doing little or nothing in inner city areas--as the Metropolitan Washington Planning & Housing Association points out."

A SIMPLE INEXPENSIVE PLAN TO HELP DOWNTOWN WHICH WILL NOT DISPLACE SMALL BUSINESSES: ANGLED PARKING AND LIFTING RUSH HOUR PARKING RESTRICTIONS USED IN OTHER CITIES

As everyone knows, the District of Columbia does not have laws or funds to build costly multi-level parking garages and it doesn't have the space needed to provide large surface parking lots to help D.C. businesses compete with suburban shopping malls. Yet D.C. could double or even triple the parking available in the Downtown area by the simple expedient of changing the present parallel parking to angled parking, and lifting rush hour restrictions would provide even more parking. These steps are used in many cities to help businesses survive and prosper despite the competition of the suburbs.

We can't understand why the Senate and House Appropriations Committees and Subcommittees aren't more interested in such simple, inexpensive solutions as angled parking and lifting rush-hour restrictions in the District of Columbia, since most members of Congress from the 50 states are fully cognisant of the use of such inexpensive solutions back in their own states and cities.

Yet, given the opportunity, the Senate and House Appropriations will in 99 cases out of 100 go for the expensive solutions.

Typical is the Congressional support, or inaction, for the expensive plans and recommendations for the Downtown area where by 1978 some $500 million of public tax funds had been "invested" according to the Board of Trade as the attached press release shows. Will Congress support more funds for Downtown D.C.?

There are other examples, for instance, the Senate Committee on Appropriations got the U.S. Senate last year to vote $1,000,000 for the Washington Opera --which is one of the most lavishly financed opera companies in the nation. The National Endowment for the Arts, according to its news release of January 19, 1983, gave the Washington Opera in the 1982-83 season $135,000. Clearly, the National Endowment for the Arts is a much better judge of the amount of funds which the Washington Opera justly deserved. Congress killed the D.C. Civic Opera which cost less than $100,000 a year and gave free opera to the low-income people in D.C. The House Appropriations Committee voted, and the Congress approved, $2,500,000 for the National Symphony Orchestra, whereas the National Endowment for the Arts in its news release of June 10, 1982 reported it had given the National Symphony Orchestra Association of Washington, D. C. $220,000. The $2,500,000 voted by Congress for the National Symphony Orchestra of Washington, D. C. is ten times as much as the other leading orchestras of the nation receive, in any one year. The Philadelphia Symphony got $250,000 in 1982, and will get $240,000 in 1983 from the National Endowment for the Arts.

With this record it is unlikely that your Subcommittee on the District of Columbia will be interested in or support such a simple solution to the Downtown section of Washington, D. C. as angled parking and lifting the rush-hour restrictions.

The D.C. Government has provided zoning bonuses in large buildings which include interior parking, for the customers and office personnel in those buildings as well as for the convenience of the businesses in those buildings. This hurts long-established smaller businesses which do not have access to such parking, for their customers.

The D.C. Convention Center which cost $100 million to build doesn't have any parking in it. It must have been a planning genius or a failure of the Congress to monitor such a huge project that decided on no parking in the Convention Center. Of course, there are acres of parking at the D.C. Stadium and at the Capital Centre in Landover, Maryland, which proves some planners and some government officials know that parking is an essential part of doing business. My plan would help provide parking for the D.C. Convention Center, would bring in more tourists and help business.

We are happy to say that the D.C. Department of Transportation has provided angled parking and lifted the rush-hour restrictions in our 18th and Columbia Road area and it has proved a huge success for the community, the shoppers, and the merchants. The parking is used 24-hours a day. If it can be done in our business area it can be installed in the Downtown area at little expense. We hope you and your Subcommittee will support this inexpensive proposal to help the smaller merchants in the Downtown area.

Respectfully submitted,
J. George Frain
J. George Frain
Secretary

RESOLUTIONS ADOPTED BY FEDERATION OF CITIZENS ASSOCIATIONS OF THE DISTRICT OF COLUMBIA

Text of Resolution adopted May 12, 1983 Opposing Issuance of Bonds to Eliminate Part of the $296 Million Accumulated Operating Deficit Proposed by Mayor Marion Barry in a letter to Senator Arlen Specter under date of April 15, 1983-- PASSED UNANIMOUSLY

Whereas Mayor Marion Barry, Jr. asked Congress to contribute $100 million to pay one-third of the accumulated operating deficit of $296 million of the District of Columbia and to approve the issuance of bonds to eliminate one-third of this deficit; and he said D.C. would eliminate the final $100 million of the deficit in ten years; and

Whereas Mayor Barry charged, in addition to making these proposals to the Congress, that "The accumulated deficit condition itself came about, moreover, through decades of federal financial management and budgetary decisions" in his letter of April 15,1983 addressed to Senator Arlen Specter, the new chairman of the Senate Appropriations Subcommittee on the District of Columbia; and

Whereas Rep. Stewart B. McKinney on August 14, 1981, in his supplemental views on H.R. 1807 published in House Report No. 97-219 clearly stated that the accumulated operating deficit of nearly $300 million is due to "current and past mistakes" of the current local administration, which, he said, "is undeniably responsible for a significant portion of the deficit"; he has said this deficit piled up since home rule;and

Whereas Rep. McKinney stated in his supplemental views opposing H.R. 1807-- a bill to authorize the District of Columbia to issue and sell general obligation bonds for the purpose of eliminating $184 million of the accumulated operating deficit, which was not adopted by the Congress --that bonding of operating deficits "will not be for increased services or a more efficient government but merely to overcome the excesses and lack of discipline of the past...future taxpayers who are now children will be forced to funnel a portion of their paychecks, once they come of age, to pay for the mess the city is in today. In my opinion such action is irresponsible...I trust that when this measure is on the floor, my colleagues will not cast their vote on the Home Rule aspect of this issue, or on the technical merits of the bill, but rather on the basic issue of the responsibility of forcing the future to pay for current and past excesses"; and Rep. McKinney as a Member of the House D.C. Committee is in a position to know; and

Whereas Rep. Thomas J. Bliley, Jr., a member of the House D.C. Committee, stated in his additional views on H.R. 1807 in House Report No. 97-219 that: "The sale of bonds to finance operating deficits is not a normal or sound fiscal practice. It is particularly questionable in the context of continuing budget deficits...I remain opposed in principle to the bonding of operating deficits. I cannot support this bill which would represent a rejection of my principles and an abrogation of Congress' responsibility to aid the District of Columbia in its progress toward responsible, autonomous government"; and

Whereas traditionally, cities pay for annual operating costs with taxes and other annual revenues. Bond sales usually are used to raise revenue for capital projects and the loan and interest is paid back over 20 or 30 years; and all cities put major bond issues, such as this one is, to a referendum and Mayor Barry's proposal to Senator Specter would not permit a referendum, and Representatives McKinney and Bliley have prepared an amendment calling for a referendum on all bond issues proposed by Mayor Barry; and

Whereas Rep. Stewart B. McKinney stated in his supplemental views on H.R. 1807 that "what the city will not respond to is an approach...which would include tax increases, the streamlining or deferral of nonessential programs, employee reductions, and the sale of District-owned property...these proposals would also require the current city government to take several politically unpopular actions. The city has not officially rejected this proposal. It has simply remained silent on the matter"; and

Whereas with regard to the sale of District-owned property recommended by Congressman McKinney, the District Government and the Redevelopment Land Agency have given substantial write-downs to favored developers who were permitted to buy prime city-owned land for $130 per square foot when nearby land in private hands was selling for $600 per square foot; and, as the Washington Post said editorially on November 11, 1979, well-connected lawyers were made millionaires by being given up to 30 percent of equity in this city-owned prime land "by putting up only a token amount of capital or, in some cases, none at all" which, the Washington Post said in its editorial, "is a perversion of minority participation"; and these gifts to many people could have substantially reduced the $296 million accumulated operating deficit if the D. C. Government had been seriously concerned with reducing that deficit; and

Whereas the $100 million which Mayor Barry wants Congress to contribute to the reduction of the $296 million accumulated operating deficit should be contributed, instead, to help finance the D.C. Pension Funds for police, fire-fighters, teachers, and judges because, as Rep. Stewart McKinney said, as reported by the Washington Post on May 13, 1982, "The unfunded pension liability problem is strictly a federal problem. The federal government designed and built and passed this program"; and, as the Washington Post also pointed out, the deficit in the D.C. Pension Funds will climb to a staggering $8.8 billion in 25 years unless Congress increases its annual payment of $52 million to the fund "according to new figures released by the D.C. Retirement Board"; and

Whereas Mayor Barry's letter to Senator Arlen Specter of April 15, 1983 totally ignored this crisis and indicated that the D.C. Pension Funds were in fine financial shape by pointing to quote: "the interim steps already taken by the federal government and the District to ameliorate the historical financial problem of the local governmental pension funds by jointly committing to the provision of annual contributions." The Mayor's letter made no reference to the city's failure to fully contribute its share to the D.C. Pension Funds which forced the House of Representatives to adopt the Parris Amendment on August 12, 1982 by a vote of 279 to 122 earmarking $14.3 million for the D.C. Pension Funds, and the Congress approved this earmarking of $14.3 million for these Pension Funds on September 30, 1982: NOW, THEREFORE, BE IT

RESOLVED, that the Federation of Citizens Associations of the District of Columbia at its regularly-called meeting on May 12, 1983 opposes the bonding of the city's $296 million accumulated operating deficit proposed by Mayor Marion Barry, Jr. in his April 15, 1983 letter to Senator Arlen Specter; and calls for a referendum on all bond issues as proposed in the amendment prepared by Congressmen McKinney and Bliley; and calls on the Congress to contribute the $100 million to the D.C. Pension Fund to help finance it rather than to contribute it to the elimination of the accumulated operating deficit of $296 million which should be eliminated as suggested by Rep. Stewart McKinney and others.

AND BE IT FURTHER RESOLVED that copies of this resolution be sent to Mayor Barry, Senator Arlen Specter, Rep. Julian Dixon, Rep. Stewart McKinney, Rep. Thomas Bliley, the Washington Post, the Washington Times, the news directors of TV 4, TV 5, TV 7, TV 9, Associated Press, United Press International, taxpayers concerned with reducing the D.C. Budget of nearly $2 billion, taxpayers concerned with full funding of the D.C. Pension Funds, and others.

Text of Resolution adopted May 12, 1983 on D.C. General Hospital

Whereas Gilbert Hahn Jr. resigned on May 9, 1983 as chairman of the D.C. General Hospital Commission in the wake of harsh criticisms by Mayor Barry and City Council member Polly Shackleton over the hospital commission's budget request for $4.2 million; and

Whereas, in a report submitted to city officials, the hospital's governing commission headed by Gilbert Hahn Jr. said it already had benefited from a series of plans and actions that reduced the prospective deficit from a $31 million figure envisioned in January 1983; and

Whereas an agreement with Mayor Barry in January 1983 providing at least $4 million more for the hospital in the current fiscal year staved off the possibility that the D.C. General Hospital might have to be closed for lack of sufficient funds; and the $4 million provided did not make up the full deficit faced by D.C. General Hospital; and

Whereas the Washington Post has editorially commended the D.C. General Hospital Commission for raising the hospital "from the pits of neglect and mismanagement to an acclaimed level of reliable, accredited care (which) compares favorably with that at most city hospitals; and

Whereas the Washington Post (May 10, 1983) reported that Mayor Barry quote "last week refused to give the hospital the added $4.2 million in funds saying in a letter to Gilbert Hahn Jr. that he found it 'truly incredible' that the hospital is insisting that more funds are necessary"; and

Whereas Mr. Hahn wrote Mayor Barry that "I am afraid neither your staff nor Ms. Shackleton's understood Peat Marwick's and our reports", NOW, THEREFORE, BE IT

RESOLVED, that the Federation of Citizens Associations of the District of Columbia at its regularly-called meeting on May 12, 1983 calls on Mayor Marion Barry Jr. and the D.C. City Council to promptly appropriate the $4.2 million needed by D.C. General Hospital; and commends Gilbert Hahn Jr. and the D.C. General Hospital Commission for their outstanding contributions to raising the hospital to its present high status in the community from what the Washington Post said editorially (May 5, 1983) were "the pits of neglect and mismanagement"; and that Mayor Barry and Polly Shackleton and each and every member of the D. C. City Council recognize that there is nothing more important in this community than the proper care in D.C. General Hospital of the city's poor whom that great hospital provides for, and the other hospitals of the city could not assume the burden of caring for the patients served at D.C. General Hospital;

AND BE IT FURTHER RESOLVED, that copies of this resolution be sent to Mayor Barry, every member of the D.C. City Council, Gilbert Hahn, Jr., and the Congress, particularly the House and Senate Appropriations Subcommittees on the District of Columbia, and other interested parties including the D.C. Federation of Civic Associations.

REMARKS OF MAYOR BARRY BEFORE 18TH AND COLUMBIA ROAD BUSINESS ASSOCIATION ANNUAL OCTOBERFEST

PRESIDENT LASKIN, VICE PRESIDENTS WHEELER AND WHITE, SECRETARY FRAIN, OTHER OFFICIALS, LADIES AND GENTLEMEN, THANKS FOR INVITING ME TO SHARE WITH YOU THIS FESTIVE OCCASION.

THE FACT THAT THIS OCTOBERFEST IS SPONSORED BY THE 18TH AND COLUMBIA ROAD BUSINESS ASSOCIATION REFLECTS ITS SENSE OF COMMUNITY RESPONSIBILITY AND SERVICE. I AM PROUD TO BE A MEMBER OF THIS ASSOCIATION. ONE BASIC INGREDIENT OF A FIRST CLASS NEIGHBORHOOD IS THAT ITS BUSINESS COMMUNITY DEVELOP A CAPACITY TO KNOW AND PROPERLY SERVE ITS RESIDENTS. I AND YOUR DISTRICT GOVERNMENT SUPPORT THESE EFFORTS. TO THAT END LET ME BRIEFLY ADDRESS A FEW BUSINESS DEVELOPMENT ACTIVITIES WHICH MY ADMINISTRATION HAS SUPPORTED IN THE PAST AND WILL SUPPORT THE FUTURE:

PARKING

MOST PAST SURVEYS ON ADAMS MORGAN HAVE REPORTED PARKING (OR THE LACK OF IT) TO BE A MAJOR PROBLEM FOR THE MERCHANTS AND THEIR CUSTOMERS. LAST YEAR WE REVISED THE STRUCTURE TO INCREASE THAT CAPACITY BY PERMITTING DIAGONAL PARKING ON 18TH STREET. MORE RECENTLY WE LIFTED THE RUSH HOUR BAN TO FURTHER INCREASE PARKING CAPACITY. TOM DOWNS OF MY TRANSPORTATION DEPARTMENT AND THE OWNER OF THE PARKING LOT IN THE 2400 BLOCK OF 18TH STREET ARE PRESENTLY NEGOTIATING THE POSSIBILITY OF A MUNICIPAL NEIGHBORHOOD OFF STREET METERED PARKING FACILITY. THIS IS BUSINESS DEVELOPMENT.

ZONING

MOST APARTMENTS ON COLUMBIA ROAD ARE HIGHRISE. THEY CARRY AN F.A.R. OF 90 FEET. THIS IS HIGH DENSITY HOUSING. YET MOST OF THE BUSINESSES WHICH FRONT COLUMBIA ARE LIMITED TO ONE STORY. THE NEED FOR A MORE COMPATIBLE COMMERCIAL INFRASTRUCTURE IS OBVIOUS FOR ADEQUATE NEIGHBORHOOD SERVICE. AS FAR BACK AS 1967, THIS ASSOCIATION MADE RECOMMENDATIONS ON IMPROVING THIS RESIDENTIAL/COMMERCIAL MIX. NOTHING WAS DONE. I UNDERSTAND THAT PRESENT THINKING IS FOR TWO TO THREE STORIES OF COMMERCIAL THEN RESIDENTIAL HIGHRISE ON COLUMBIA ROAD AND 18TH STREET. I AM PREPARED TO REVIEW RELEVANT BUSINESS DEVELOPMENT PROPOSALS TOWARD THAT END.

JOB TRAINING

ADAMS MORGAN, LIKE MOST OTHER NEIGHBORHOODS HAS LARGE POCKETS OF YOUTH AND YOUNG ADULTS WHO DO NOT POSSESS MARKETABLE JOB

SKILLS. IN SUCH AN ATMOSPHERE JOB TRAINING RELATES TO BUSINESS DEVELOPMENT. THE CASE WORK TRAINING PROJECT ON CHAMPLAIN STREET IS AN EXAMPLE OF THE COMMUNITY AND CITY WORKING TOGETHER TO REMEDY THIS PROBLEM BY PROVIDING A TRAINING FACILITY. WALTER PIERCE, JIM VITERALLO, AND OTHERS IN THE COMMUNITY CAN TAKE CREDIT HERE. I ALSO UNDERSTAND THAT THIS ASSOCIATION AND JOHN ANTHONY, OF THE MARIE REED LEARNING CENTER, HAVE PROPOSED A JOINT EFFORT FOR TRAINING YOUNG ADULTS.

COMMUNITY DEVELOPMENT CORPORATION (CDC)

MY HOUSING DEPARTMENT IS PROVIDING $150,000 TO ESTABLISH THE ADAMS MORGAN CDC. IF THIS RESOURCE IS PROPERLY MANAGED AND EXPANDED THERE IS A POTENTIAL FOR MUCH MORE BUSINESS AND HOUSING DEVELOPMENT.

THESE ARE JUST A FEW OF THE NEIGHBORHOOD/CITY COOPERATIVE ACTIONS WHICH SHOULD SPARK BETTER BUSINESSES, BETTER SERVICE AND MORE JOBS. I AM HAPPY TO NOTE THAT MY CONTRIBUTION COMES BOTH AS YOUR MAYOR AND AS A MEMBER OF THE 18TH AND COLUMBIA ROAD BUSINESS ASSOCIATION.

LETTER FROM MAYOR BARRY

April 15, 1983

The Honorable Arlen Specter
Chairman
Senate Appropriations Subcommittee
on the District of Columbia
U.S. Capitol
Room S-132
Washington, D.C. 20510

Dear Senator Specter:

I am writing in response to the directive, contained in Conference Committee Report Number 97-747, that the District submit an alternative plan for eliminating the accumulated general fund deficit without relying solely on deficit funding bonds.

First, it is imperative to review and clarify the circumstances surrounding the existence of an accumulated deficit condition in the District. As you know, through FY79 the District continued to function with quasi-federal agency financial management and reporting practices that were inappropriate for the proper financial administration of a state or local governmental entity. Thus, even the existence of an accumulated deficit condition was not formally confirmed until the District's first independent audit, which was completed in 1980 by Arthur Andersen & Co. and Lucas Tucker & Co.

The accumulated deficit condition itself came about, moreover, through decades of federal financial management and budgetary decisions. Its impact became obvious only as the District moved toward financial operations as a separate entity, lacking benefits of the federal power of deficit financing.

It was my administration that identified the problems posed by the accumulated general fund deficit and that proposed appropriate solutions to it. My administration also acted promptly to begin formulating and executing all general fund budgets on a GAAP-balanced basis to stop the growth of the accumulated deficit.

I want to make very clear for the record that there has been no lack of commitment or initiative on the part of my administration or on the part of the District government as a whole, from 1980 through the present, toward the orderly resolution of the accumulated deficit. I have been, and continue to be, committed to the fiscal integrity of the District of Columbia, to properly balanced budgets and to elimination of the inherited problem of the accumulated operating deficit. In fact, the District can point to a three-year record of accomplishments in support of this. Since 1980, we have:

- Formulated and executed balanced general fund budgets in FY81 and FY82
- Reduced the accumulated general fund deficit by $82 million, including more than the amount referenced in Report 97-747 for FY82
- Received "clean" independent audits in FY80, FY81 and FY82
- Received the important MFOA Certificate of Conformance in Financial Reporting
- Formulated and successfully pursued important technical amendments to our Home Rule Charter borrowing authority
- Successfully issued over $100 million of District of Columbia revenue bonds for academic facility construction and low/moderate income multifamily rental housing
- Formulated and proceeded to execute a balanced FY83 general fund budget
- Formulated and passed a balanced FY84 general fund budget, with an allocation of $5 million to reduce the accumulated deficit
- Proceeded to adopt a five-year series of water and sanitary sewerage service rate increases, designed to place the water-sewer enterprise on a balanced basis

Given the limited powers of the District, I submit that this is clear and substantial evidence of our continuing commitment in this matter.

Nonetheless, there are two fundamental problems that continue to be posed, to both the federal government and the District, by any remaining accumulated general fund deficit.

An accumulated deficit constitutes a creditworthiness problem. As noted in various expert testimony before the Congress on the rationale for H.R.1807/S.744 [the deficit funding bond proposal], the existence of an accumulated operating deficit condition is an impediment to an effective and expeditious transition from U.S. Treasury to municipal bond market financing. Making such a transition has always been my desire in order to exercise a long-dormant portion of Home Rule authority and to achieve savings in financing costs, through the issuance of less expensive tax-exempt municipal bonds for both new capital and for refinancing outstanding taxable rate Treasury debt. It is similarly in the federal interest to cleanly terminate its unique lender role with the District and to reduce the federal deficit through the District's refinancing of outstanding Treasury capital loans. For both parties, these are clear policy and financial incentives to ameliorate the accumulated deficit so that such a transition can occur on a timely and permanent basis.

An accumulated deficit exacerbates seasonal cash flow fluctuations. The continuing lack of working capital that is represented by such an accumulated deficit greatly magnifies temporary financing requirements that are often routine in state and local governments where major revenues are due annually or semi-annually. Any severe cash flow shortages will always threaten the ability of the District to conduct day-to-day operations on an orderly basis, especially given the substantial volatility of short-term borrowing costs in recent years. It is certainly in the District's interest to minimize this threat by increasing working capital through elimination of the accumulated deficit. This would reduce the need for cash flow financing more closely to the more manageable component that is purely seasonal. The federal interest parallels that of the District and, further, involves a federal interest in cleanly limiting its responsibility to provide such financing.

Stopping the growth of the accumulated general fund deficit and eliminating any remaining accumulated deficit were the two immediate priorities of my 1980 Comprehensive Financial Plan. We have clearly succeeded with the former, as witnessed by our planned and executed balanced budgets from that time to the present. On the latter, the District proposed funding the accumulated deficit through the issuance of general obligation debt, first to the federal government, then to the private municipal bond market. Unfortunately, the requisite authority for us to proceed was never appropriately acted upon by the Congress.

It is important to reiterate why funding an accumulated deficit is the most effective remedy. First, it immediately converts the current and continuing dangers of an accumulated deficit into a formal long-term obligation that can be amortized by orderly annual debt service expenditures. Such debt service expenditures would carry the force of contractual mandate and a first priority and, thus, would have to be provided for apart from the politics of the annual budgetary process and the pressures to provide more funds for programs in the face of limited available revenues or unanticipated revenue shortfall. Secondly, it immediately provides a cash infusion that would reduce temporary financing needs and, thereby, promote more orderly governmental operations. This so-called "borrowing" mechanism is the only tool that combines immediate alleviation of these two major problems posed by an accumulated deficit condition, along with a legally certain and binding annual requirement to amortize the underlying accumulated deficit.

This stands in distinct contrast to any mechanism that relies on annual budgetary allocations to eliminate the accumulated deficit over a number of years. The first major difference is that such a program will not substantially improve cash flow financing pressures until the accumulated deficit is largely eliminated. The second major difference is that, because it contemplates the continuance of an accumulated deficit condition (albeit an ostensibly shrinking one) over a period of years, it is a less effective enhancement to creditworthiness than issuing debt to fund the accumulated deficit, which is the more typical approach and which has been successfully done elsewhere. Finally, as the narrative in our FY84 budget submission indicates, such an allocation is not, and cannot be, a true planned expenditure, but is rather a fiscal goal for the year-end excess of revenues over expenditures and, as such, will only materialize to the extent that actual revenue experience and actual operational expenditure demands during the course of the year permit. It, therefore, cannot provide any of the certainty afforded by the "borrowing" mechanism that the underlying accumulated deficit will ultimately be eliminated as planned. In fact, although our mid-year financial review is still in the final stage of completion, initial indications are that we will have to struggle to ensure that FY83 general fund financial operations will result in the $20 million reduction in the accumulated deficit which we are committed to achieving.

Quite frankly, to recap, there are compelling mutual federal and District interests in the resolution of major problems posed by the continuation of an accumulated deficit condition. Thus far, however, the Congress has determined to avoid using the most certain and effective mechanism for eliminating the accumulated deficit, which is issuing funding debt to either the federal government or the private capital market. Despite this rejection, the District over the past three years has been committed to, and has achieved, clear and significant improvements in both its financial condition and its financial management.

We are still committed to resolving the accumulated deficit as expeditiously as possible, given the narrow authority prospectively available to us. Since this is founded on the imperfect annual budgetary allocation procedure, I propose an equitable special partnership between the federal government and the District, which would maximize the limited effectiveness of this mechanism.

I want to solve and eliminate the $296 million accumulated general fund deficit in ten years or less and, thereby, afford the citizens of the District that to which they have always been entitled, a local government that is free and clear of financial burdens which they had not been empowered to control. My proposal contemplates that:

1. Each annual District general fund budget would allocate not less than $5 million, and not more than $20 million to reducing the accumulated deficit. The District would be responsible for elimination of up to $100 million over the ten-year period.

2. A special payment would be provided from the federal government to match the annual performance of the District in actually reducing the accumulated deficit. The federal government would be responsible for elimination of up to $100 million over the ten-year period.

3. The District would be authorized to issue up to $100 million of its general obligation bonds to fund the accumulated deficit on a one-time basis, in order to realize at least partial near-term relief from the harmful cash flow effects of the accumulated deficit.

Such a partnership would recognize the joint responsibility and mutual interests of the federal government and the District in our historical financial condition. There is ample precedence in joint actions we have previously undertaken together to rectify congenital defects unintentionally imparted to the District by the Congress in the process of granting Home Rule. In principle, such action would be similar to the interim steps already taken by the federal government and the District to ameliorate the historical financial problem of the local governmental pension funds by jointly committing to the provision of annual contributions. Currently, the federal government contributes $52 million per annum to this pension partnership.

An even more compelling precedent exists in the partnership and joint responsibility for $38 million in costs that were undertaken by the Congress and the District to implement an effective and appropriate financial management system suitable for the administration of the District on a proper state and local government basis. It is ironic that, while this successful partnership rectified many of the inappropriate inherited federal financial procedures in the District, the Congress has yet to embark on a partnership that will rectify the substantive inherited financial condition weakness thereby discovered. It is not too late for the Congress to do so now.

I look forward to exploring with the Congress and the Administration both this plan and the overall prospects for eliminating the accumulated general fund deficit to our mutual benefit.

Sincerely,

Marion S. Barry, Jr.
Mayor

LETTER FROM THOMAS J. OWEN, PERPETUAL AMERICAN FEDERAL SAVINGS

January 6, 1982

Mr. J. George Frain
Secretary
The 18th & Columbia Road
Businessmen's Association
1789 Lanier Place, NW
Washington, D.C. 20009

Dear George:

Many thanks for your letter of January 4th. You and I share many of the same concerns. It is absolutely essential, if we are to have a healthy city, that employment opportunities be available to all elements of the population. Unfortunately, I am unable to give you specific recommendations on how the Mayor could better address these problems. I have some ideas of my own, but, at this point, any recommendation on my part would not only be premature but out of place. I have recently assumed the position of President-Elect of the Metropolitan Washington Board of Trade and would move into the Presidency in 1983. The Board of Trade is very much concerned about our underutilized work force and will, in the coming months, be attempting to come to grips with this problem. For me to speak before they have a chance to deliberate would be inappropriate.

I appreciate your letter and the articles attached and will continue to try to come up with solutions to a very difficult problem.

Sincerely,

Thomas J. Owen

LETTER FROM GEORGE S. COLYER, PRESIDENT, NATIONAL CAPITAL AREA CHAPTER, AMERICAN PLANNING ASSOCIATION

December 21, 1982

Honorable Marion S. Barry, Jr.
Mayor of the District of Columbia
District Building
Washington, DC 20004

Dear Mr. Mayor:

We wish to support full budgetary consideration for the D.C. Office of Planning and Development (OPD).

The coming year will be crucial for the planned development of the District of Columbia and will require a full complement of skilled professionals and technical help.

To cite only two examples, your Comprehensive Plan and your Downtown Plan will be put into final form for submission to the City Council during 1983. Both are vital to the economic growth of the city, for they provide the certainty and predictability that is so necessary to business investment; without carefully-crafted plans, there will be be confusion and disincentives to investment. Your recent successful election to a second term came in no small part from a commitment to planning and economic development, and now is no time to pull back on that commitment. Especially important is the link between planning and economic development, and we urge you and OPD to provide staffing for quality economic development planning.

Equally crucial with the Downtown Plan to the success of your economic development commitments is the neighborhood and Ward planning that will stimulate local-area business investment and provide jobs through community organizations and development corporations. We think it is reasonable to expect that every neighborhood commercial area in the District should have an agreed-on Neighborhood Development Plan for community development -- and this can be done only with active support from a strong Office of Planning and Development.

The work of planning has only begun with completion of the Comprehensive and Downtown Plans and their approval by the City Council. Then begins the tough work of implementation through zoning, capital budgeting and cooperation with the private sector -- all of which require a well-funded Mayor's planning office.

We understand the OPD annual budget has been around $3 million. Central cities in other parts of the country with a similar population level have budgets in the $4-$5-million level, and it is these cities with which we vie for economic investment. As the Nation's Capital (epitomized in the city's advertising slogan "Washington Is A Capital City"), we have a special obligation to maintain a beautiful and efficient city in which the Congress and the citizens of the United States can take pride. Planning and maintaining a beautiful city cannot be done without adequate budget to hire skilled professionals and provide services for the investment community.

Our organization of 800 professional and citizen members of the planning community stands ready to assist you and your planning office in working for a better city. For instance, we are about to submit a critique of the plan prepared by your blue-ribbon Downtown Committee and offering the assistance of our members in helping implement the recommendations. But the improvements cannot be made without adequate staff.

Planning must not only be accorded a centerpiece role in your reorganized economic development effort, but planning must also be given decent budget to make things happen.

We support full budget authorizations for OPD.

Yours sincerely,

George S. Colyer, President

LETTER FROM ELIZABETH REVEAL, DIRECTOR, D.C. OFFICE OF THE BUDGET

JAN 24 1983

Mr. George S. Colyer, President
National Capital Area Chapter
American Planning Association
1868 Columbia Road, N.W.
Washington, D.C. 20009

Dear Mr. Colyer:

Your recent letter expressed concern about the future of planned development in the District of Columbia as it is reflected by the budget of the Office of Planning and Development. Please be assured that a good, sound plan and implementation program will continue to be priorities for the District.

The FY 1983 and FY 1984 budgets for the Office of Planning and Development contemplate full support to the District's planning program. We recognize that implementation of the Comprehensive Plan and the Downtown Plan are crucial to the economic growth of the District. Every effort has been made to keep this area properly staffed, especially in light of the impact of the current recession on our anticipated revenues. I think you will find that our planning will continue to move forward and provide the type of incentive to business about which you are concerned.

Thank you for your interest and for your offer of support from the American Planning Association.

Sincerly,

Elizabeth Reveal

Elizabeth Reveal
Director, Office of the
Budget

LETTER FROM DAVID K. HARTLEY, VICE PRESIDENT FOR POLICY, NATIONAL CAPITAL AREA CHAPTER, AMERICAN PLANNING ASSOCIATION

Honorable David A. Clarke, Chairperson
Committee of the Whole
Council of the District of Columbia
District Building
Washington, DC 20004

February 16, 1983

Dear Mr. Clarke:

We urge the City Council to restore full funding for the FY 1984 budget of the Office of Planning and Development (OPD). The Mayor's Budget submitted to the Council calls for an unreasonable 10.5 per cent cut from the 1983 level. We think this is unjustified and unwise given the important responsibilities OPD will be asked to carry out during the next several years.

To cite only two examples, the Comprehensive Plan and the Downtown Plan, now being readied for submission to the Council, will be in a crucial stage of implementation during FY 1984. Both are vital to the economic growth of the city, for they provide the certainty and predictability that is so necessary to sound business investment. The work of planning has only begun with submission of the plans to the Council; then begins the tough work of implementation through zoning, capital budgeting and cooperation with the private sector -- all of which require a well-funded planning office with a full complement of skilled professionals and technical help. Asking OPD to absorb a 10.5 per cent cut in budget and loss of five full-time continuing positions cannot help but work a disservice on continued planning for a prosperous, efficient and beautiful District of Columbia.

Our organization of 800 professional and citizen members of the planning community stands ready to assist both the Council and the Mayor's Office on promoting sound planning for the District, and we are convinced a full budget is crucial for OPD. Central cities in other parts of the country with a similar population level have budgets in the $4-$5-million level -- significantly higher than OPD's $3 million, and it is these cities with which the District vies for economic investment. Suburban jurisdictions in the Washington area devote a much higher per-capita expenditure to planning than the District does. We ask that the 1983 level be retained for OPD's budget.

Yours sincerely,

David K Hartley

David K. Hartley, Vice President for Policy

IMPLEMENTATION PROPOSALS FOR THE NATIONAL CAPITAL—COMPREHENSIVE PLAN

The following proposals, to implement the planning policies set forth in the Urban Design Element for the national capital, are recommended:

General Policies

1. **In the preparation of Master Plans and Project Plans** for public facilities and capital improvements, federal and District of Columbia agencies should ensure that these plans are consistent with the policies in the Urban Design Element of the Comprehensive Plan for the National Capital.

2. **The federal and District governments** should provide design leadership within the city by requiring that only exemplary design will be accepted as government development standard.

3. **Require that only exemplary** architecture and site design would be acceptable to the respective review authorities associated with both the federal and District of Columbia governments.

4. **The District government should** prepare a series of more detailed and refined Urban Design Plans as part of subsequent Ward Plan activities.

5. **The federal and District of Columbia governments** should expand their expertise in the area of Urban Design by increasing staff at all levels in the areas of policy, management, property rehabilitation, new development, development review, and property disposition.

6. **The District of Columbia and federal governments** should establish and maintain a well designed, equitably distributed and interconnected open space system in the District of Columbia.

7. **The federal and District governments** should retain sufficient rights-of-way, and improved street curbs as necessary conditions for successful street tree planting throughout the city.

8. **All new landscape design actions**, in public or semi-public open spaces, should be designed to provide the selection of ecologically appropriate plant species and communities.

9. **When assessing the effects and design** of a proposed major development action in or adjacent to a floodplain, the District of Columbia and or federal governments should analyze flood characteristics upstream and downstream as well as the flood characteristics within the floodplain itself.

10. **In already developed areas** with severe erosion problems, the District government should promote private and public rehabilitation initiatives to prevent further damage including landscaping, fencing of slopes, and construction of retaining walls.

11. **The District government should** require that privately initiated development activities within the city should, by design, respect and respond to the contextural design character of that given area.

Administrative and Regulatory Policies

1. **The District of Columbia Zoning Regulations** should be modified to include an appropriate matter-of-right set of Urban Design standards which addresses the policies set forth in the Urban Design Element of the Comprehensive Plan.

2. **The District government should** establish a special design review board coordinated by the Office of Planning to focus mandatory design review of established design districts. Priority considerations should be given to creating such districts in areas identified as new and improved image character and new and improved industrial character areas on the Urban Design Policies Map (Map 2).

3. **The District government should** develop a program of voluntary design review districts other than those identified as new and improved design areas which will establish standards tailored to each district and require a mandatory design review tied with the Building Permit process. Such districts should cover a minimum land area and require the voluntary approval of 60 percent of the property owners within any given district.

4. **The federal government should** develop design review powers through the Commission of Fine Arts to coordinate and improve upon the design of federal installations within the city in accord with the Urban Design Policies in the Urban Design Element.

The contextural design impacts of federal development activities should be reviewed and coordinated with the District government and respond to the local or neighborhood related policies in the Urban Design Element.

5. **In order to protect and enhance** the aesthetic qualities of all neighborhoods throughout the city, a design review process similar to the R-5-A Review procedures should be established in all neighborhood-supportive commercial service zones.

6. **In order to support increased design reviews** where zoning is involved, the District government should increase staff and funding resources to facilitate an expedited review period.

7. **The District government should** adopt regulations which require substantial new or rehabilitated residential, commercial, industrial or institutional development to provide, where appropriate, the installation and dedication of landscape, and streetscape improvements which respond to the design character of that area in public areas adjacent to the area of development, such improvements should include, but not be limited to: street trees, flowering and evergreen shrubs, sod, street lights and benches.

8. **Common urban design standards should be developed** and administered, where appropriate, by both the federal and District governments. Site, building and Master Plans submitted for review should indicate a design response to ameliorate any adverse impacts associated with: wetlands; floodplains; wildlife habitats; and environmentally sensitive soils and slopes.

9. **The District government should establish** scenic easements on private property with open spaces where appropriate, especially along the rivers, along major stream valleys and on prominent topographic points. In order to support the design objectives of an improved aesthetic appearance around the city's major natural environmental features.

10. The District government should adopt new and stronger regulatory controls governing the design review of large tracts of land within the District. Large tracts would include all tracts of two or more acres.

Design Incentives

1. The federal and District governments should investigate various financial and technical assistance mechanisms which would educate, inform, and encourage increased private developer and general citizen interest in the advantages of using good urban design.

2. The professional design or design related organizations such as the American Institute of Architects, the American Society of Landscape Architects, the American Planning Association and Historic Preservation societies should provide programs to assist the government, the general public and development community in supporting the city's policies to promote exemplary design in Washington.

[From H. Rept. No. 97-219]

SUPPLEMENTAL VIEWS OF HON. STEWART B. McKINNEY ON H.R. 1807

When the Committee voted on reporting H.R. 1807, the District of Columbia Bond Authorization Act of 1981, I abstained. While I believe the current bill could be improved through certain amendments if it is going to be passed, those changes would not correct my basic objection—it is wrong to force future taxpayers to pay for current and past mismanagement and overspending. At the same time, I feel it would be unfair to prevent the Committee from reporting a bill and allowing the House of Representatives to work its will.

My opposition to the bill is both philosophical and practical. This legislation would authorize the city to issue $184 million in bonds to finance a portion of its accumulated operating deficit. More directly, this bill would allow the city to mortgage the future to pay for current and past mistakes. If bonds are sold, residents of the District of Columbia will pay up to $600 million over the next twenty to thirty years. This extra tax burden will not be for increased services or a more efficient government, but merely to overcome the excesses and lack of discipline of the past. The current local administration which is undeniably responsible for a significant portion of the deficit, would have Congress believe that this is proper. Some of these future taxpayers are now childern who will be forced to funnel a portion of their paychecks, once they come of age, to pay for the mess the city is in today. In my opinion such action is irresponsible.

During hearings, the Committee held on this bill, the city testified that bonding was the only viable option to eliminate the deficit, and that all other alternatives were thoroughly examined and rejected as unworkable. The alternatives considered involved raising the entire $184 million either through tax increases, budget reductions, or direct borrowing from the Federal Government. I agree that attempting to solve the entire problem by relying on any single alternative would lead to the conclusion that all are unworkable. What the city will not respond to is an approach involving a combination of these efforts and others, with no single element being overly burdensome. I have suggested publicly a proposal which would include tax increases, the streamlining or deferral of nonessential programs, employee reductions, and the sale of District-owned property. Collectively, this would be sufficient to generate the needed $184 million, through both savings and increased revenues. Of course these proposals would also require the current city government to take several politically unpopular actions. The city has not officially rejected this proposal. It has simply remained silent on the matter.

Although I do not support this legislation, I recognize that something must be done to put the city on a healthy financial footing. The Mayor apparently feels selling bonds is the only answer to the problem. He is not alone, since the U.S. Treasury has expressed its support for this bill. I would admit that some good would indeed result if the city does eventually issue bonds. For example, the budgetary discipline that would be forced on the city by the private market would be welcome. The private market will insist on a balanced budget with no margin for error. This Committee and its counterpart in the Senate, the Appropriations Committees, and the Temporary Commission on Financial Oversight of the District of Columbia have been trying for years to advance a sensible budgetary discipline. Perhaps the market can succeed where we have all failed. And finally there is the point that if the District of Columbia is ever going to function as a municipality, it will have to get into the private market for capital improvements sooner or later. Everyone involved, from the city's financial advisors to the U.S. Treasury seems to think the city can succeed in this effort. Most of the testimony to that effect has been tempered with caution, but they all conclude that it is entirely possible that a bond issue to eliminate a portion of the operating deficit will succeed.

There are several provisions of this bill which, if amended, would perhaps result in better legislation. For example, I see no reason for preserving the provision which exempts this bond issue from the overall 14 percent debt ceiling imposed by the Home Rule Act. I question exempting this bond issue from the process of citizen-initiated referendum, especially when it will be the citizens of the District of Columbia who will be forced to pay for these bonds. I also think it might be wise to prevent the sale of bonds until it can be determined by auditors that the current year budget is indeed balanced. I did not offer or suggest any of these amendments, however, because none would change my basic objections to the bill. I have no intention of offering them on the floor.

I trust that when this measure is on the floor, my colleagues will not cast their vote on the Home Rule aspect of this issue, or on the technical merits of the bill, but rather on the basic issue of the responsibility of forcing the future to pay for current and past excesses.

STEWART B. MCKINNEY.

ADDITIONAL VIEWS OF REPRESENTATIVE THOMAS J. BLILEY, JR., ON H.R. 1807

The District of Columbia has an accumulated operating deficit of $388 million. Carrying costs for this debt are now causing a cash flow problem for the District. This bill is designed to address that problem by allowing the District to sell general obligation bonds, pledged against a specific revenue source, to fund the deficit.

The problem of the accumulated deficit must be solved in order for the District to take its next important step toward home rule—entry into the private bond market to finance capital projects. I fear that the bond sale envisioned in this bill may not be the best solution to the accumulated deficit problem and that, in fact, it may harm, long-term, the District's success in bonding capital projects.

In order to successfully enter the bond market, District leaders and bond underwriters agree that the District must have a balanced budget and a sound financial management program. In addition, a balanced budget is necessary to avoid a future accumulation of operating deficits.

I am concerned that the District has not made the tough decisions which will be necessary now and in the future. The recently-announced "balanced" budget for this fiscal year is an artifice produced by accounting tricks. The District's seven million "surplus" does not count $11 million in interest on their current debt. It does not count $23 million owed to the pension funds—which the Mayor proposes to pay at $1 million per year over the next 23 years—and it assumes $9 million in revenues from the sale of property which has not yet been executed. In other words, the District faces a real deficit of $35 million this year.

I am concerned also that the District has not fully explored alternate means of funding the accumulated deficit.

The sale of bonds to finance operating deficits is not a normal or sound fiscal practice. It is particularly questionable in the context of continuing budget deficits. Making the District's first entry into the private bond market for this purpose is unnecessary, unresponsive to the real problem and may further exacerbate the District's fiscal problems in coming years.

I remain opposed in principle to the bonding of operating deficits. I cannot support this bill which would represent a rejection of my principles and an abrogation of Congress' responsibility to aid the District of Columbia in its progress toward responsible, autonomous government.

THOMAS J. BLILEY, Jr.

PANEL FOR D.C. FIRE DEPARTMENT

STATEMENTS OF MRS. LEN AND GARTH BEAVER

Senator SPECTER. Our last group is Mrs. Len, Mrs. Frazier, Mrs. Schindel, and Mr. Garth Beaver.

Mrs. LEN. Good morning, Mr. Chairman.

Senator SPECTER. Good morning. Would you summarize, Mrs. Len, what you would like to call to our attention? I am sorry that we do not have more time. There is at this moment in progress a hearing in the Veterans Affairs Committee on the agent orange issue on which I have introduced legislation and I have to be present there. I would very much appreciate it if you could summarize your comments as briefly as possible.

Mrs. LEN. Thank you, Mr. Chairman, Mr. Leeth and your staff, and all of the rest of the community in the room.

Mrs. Schindel is 88 years old, and it was just a little much for her to get up so early, and Mrs. Frazier yielded her time to Mr. Beaver and myself. She was afraid if she came you wouldn't yield it. I would——

Senator SPECTER. She was afraid of what?

Mrs. LEN. She was afraid that if she came her time would not be granted to us, and she said she wouldn't come at all.

I would like Mr. Beaver to go first.

Senator SPECTER. Mr. Beaver, can you get to the substance of your testimony?

Mr. BEAVER. I certainly can. Thank you for hearing us. We were fortunate approximately 1 year ago to present some testimony to the committee on the House side, the subcommittee on the House side, which I find, with interest, has found its way into the D.C. budget request to the Congress. So I will merely update what I tried to say at that time.

We feel that many of the stations can be successfully renovated. Some cannot, but we work with Chief Coleman. He is now chief, not acting. We have good relations with him and his staff, but we would like to have him submit to both sides of the Congress his proposal for renovating certain stations which can successfully be done, and not delay this year after year after year.

Many of the stations in which the men spend more time on duty than at home would not pass any D.C. code requirement if they were leased or other than firefighters spent their time in there. They simply would not pass the plumbing, electrical, or roofing codes, mainly, the plumbing and the electrical. There are rats in some, which is an unpleasant subject. We have seen them.

But we feel this can be done and the costs vary. We can't pin it down exactly, but from $450,000——

Senator SPECTER. Is there anything you would like to call our attention to besides compliance in the fire stations?

Mr. BEAVER. That is all.

Senator SPECTER. Mrs. Len?

Mrs. LEN. Mr. Chairman, our Association is 90 years old. The D.C. Fire Department manpower is 1,665 members. You folks need to know that the support division is 206. The ambulance is 193, and the firefighters and fireboat is 1,266. The paper erroneously said it was 1,665, or 1,664, for the firefighters. It isn't. The firefighters themselves are 1,266.

The Fire Department—this you need to know—the authorized strength by Congress for this year was 1,266. The actual names on the roster in April, and I have a copy here, in April of this year, were 1,154. So we have 114 vacancies, plus we have to add 63 to that 114 vacancies in the eight battalions, because there are 63 people who have been detailed away for 60 days.

Senator SPECTER. I see these statistics which you have provided to us, and your point is that the manpower is insufficient.

Mrs. LEN. The manpower is down in section B. Manpower is down by 177. It spells overtime.

Senator SPECTER. You mean the firefighters are not able to do their jobs because of insufficient manpower?

Mrs. LEN. My point is that the District Council has been screaming about overtime, and as you will see when you can take the time to read the budget for the overtime for the past 3 years, when you have manpower down, you have to have the firefighters come in and work overtime.

Senator SPECTER. The overtime is expensive. That is one point.

Mrs. LEN. This is one point. The other point is that it is very hard on their health. The Nation knows, and anybody will tell you in the fire world, that a firefighter's life is 10 years shorter than anybody else in the United States. When he has to work more days, overtime, it is very hard.

The health and welfare, as Mr. Beaver has mentioned to you, and I won't go into that—you did receive a copy of what the House side got, although we did not give it in person. We filed it with you.

Why, why, why, are the firefighters not treated equally to other D.C. agencies, and be on a 40-hour week?

For the past 20 years, they have been working 48 hours, paid for 40, and every 5 years they put in 6 years——

Senator SPECTER. I am advised that the firefighters like the overtime pay. Are you advised to the contrary?

Mrs. LEN. I agree, Chairman Specter, that a small percentage of them do. But if you were to take a vote, they don't want this much. When you work 6 years in 5 years, and don't get paid, it would be nice if that could accumulate for a nest egg when they retire.

We prevailed on you folks last year for a congressional investigation of the overall operation of the Fire Department, and their continuous performance exasperates us, the contractors and subcontractors, and Mr. Beaver can attest to that, any number of times.

Also, the cart before the horse: We asked last year that the House and the Senate consider trying—you don't know anything for sure unless you try it—please try next year to put the community first. Then bring in the agencies. This way, you will get our concerns and our Mayday problems, and the situations that exist, and then you will have some meat and potatoes with which to confront the agencies.

When you see fire stations right now, we have four of them in Mayday situations with no air-conditioning. We have three of them with SOS's, as I call them——

Senator SPECTER. We have yet to hear from the Mayor and the head of the District Council, so we will have the benefit of your thinking in advance, and others here.

Mrs. LEN. You think it can be absorbed, what is on here?

Senator SPECTER. I think so.

Mrs. LEN. All right. One point more. I have added back. I have added the collateral for the traffic violations. Just this morning I got them and saw that they were added. There is no excuse why 90 percent of those collaterals can't be increased, because. Chairman Specter, the more you pay out of your pocket for a violation, the more you are going to be careful and that means less police giving tickets for these violations and more police on the streets to deter crime. What our police are putting up with in automobiles that break down every single day, radio communications problems, it is very sad.

Nobody is fighting the battle for the firefighters.

Senator SPECTER. Thank you very much.

Mrs. LEN. Thank you, Chairman Specter.

[The statement follows:]

ROUGH DRAFT OF MRS. LEN'S STATEMENT

The following are roughly drafted TALK Points and statistics of 99.9 accuracy "Value"; if in doubt please ask me for source and/or explanation.

1. Thank You

2. D.C. Fire dept. Man Power is 1665 members:

A.	Support Divisions Administrative Communication Training Apparatus Fire Prevention	206
B.	Ambulance	193
C.	Fire Fighters + FIRE BOAT "The John Glenn"	1,266
		1,665

3. Fire dept. Manpower Break down (From F.D. April '83 Roster)

A.

Authorized Strength	1,266		
Actual names on Roster	−1152		
Vacancies	114		
detailed away 60 Days	+ 63		
77 Division DOWN	177	77	
Rescue Squad down	+93		Mandated to opening by Sept. '83
12+ Companies Down	270	77	Down (Equivalent to 12 Co. men as 22+ is complement for 1 Co.)

B. Vacancies 114
60 Dy away 63
177 man power down SPELLS Over time necessary

C. Over Time Figures:

		BUDGET	ACTUAL	RED (over Budget)
Fy '81		544,600	3,009,808	−2,465,208
Fy 82		544,600	3,775,720	−3,231,120
Fy 83	(Approp. 1,144,700) to May 31, 83	1,478,000 (333,300)	1,111,304	+ 366,696 →

→ 4 months yet to go

The O.T. picture 1983 looks better but at the expense of
1. Fire fighters sacrificing Privileges of Leave
2. Truck Co. running 1 down = 5, instead 6 (over year now)
PLUS the union can answer better in detail

4. Health and Welfare of the fire fighters per se still being jeopardized by unsanitary, hazardous (Electric and plumbing) conditions in at least (20) 3/4 of the Engine Cos.: 32 + Fire Boat. (Air Condition ?? May Day for 3E & SOS for 4E)

The 10 Health Inspection Reports (and OSHA) Filed with you last year spelled out that 10 Engine Cos. should have been CLOSED down had the DC government enforced the DC Health Code on the 32 FIRE Station Houses AS they enforce the DC Code on Hotels, nursing Homes, Hospitals and other institutions – such as senior citizen quarters —— at least most of them.

Why do not the Fire Fighters living conditions when they spend 2/3 of their time come FIRST.
Credit due to Chief in getting a feeble attempt accomplished to correcting a few houses problems.
If City Hall — Both sides would run their show and let the Chief of Police operate their own SHOWS unhampered by intimidating and beholding demands — — the world would creep slowly out of the ground.

5. Why why why are Fire Fighters not treated equal to other DC agencies and be on a 40 hour work week — For the past 20 years or so — — - every 5 years they put in 6 years of duty (not paid extra) — - If they could look forward to this as a "nest egg" at retirement = Great!

6. Police, not to speak of Congress letting them down on that subject, suffering morale – Cars breaking down + Radio problems Man power problems + at least once week a tour with NO police Crane when they need 4 in daytime and 2 at night weekends and Holidays. The contract Cranes are having a picnic.

7. In 1981 and again now in 1983 a request is hereby presented to you for a Congressional Investigation into the overall operations of the D.C. Fire Dept. and General Service treatment continually of exasperating performance by the Contractors and subcontractors quality of work???

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8. "Residential Requirement" must be STOPPED and thank you.

01	Abreast	
02	Alley in	10.00
03		
04	Barricade - front of	10.00
05	Bridge on or under	20.00
06		
07	Bus stop - on	15.00 ~~10.00~~
198	Bus stop - 20' of	15.00 ~~10.00~~
09	Coal chute, garage, parking lot, dr'y, gate, obstructing	10.00
10	Cross walk obstructing	20.00
11	Curb more 12" from	10.00
12	Disobeying official sign	10.00
13	Drive way - within 5"	10.00
14	Emergency No parking	10.00
199	Entrance to designated bldg.	10.00
15	Entrance obstructing	10.00
16	Excavation opposite	10.00
17		
18	Fire Escape, obstructing	20.00
19	Fire House, obstructing	20.00
20	Fire Hydrant - 10' of	20.00
21		
22	Hack Stand on	10.00
23	Intersection, obstructing	25.00
24	- Less 25' of intersection	10.00
25	- Less 40' of	10.00
★↓ 26	Lawn on	10.00
29	Left wheel to curb	10.00
201	Loading Platform to curb	10.00
30		
31	Loading zone - within	10.00
32	Meter Zone - commercial veh.	10.00
33		
34	- Fail to deposit coin	10.00
35	- not Parked within	10.00
36		
37		
38		
39	Red meter	10.00
+200	Prohibited Parking in approach	10.00

CODE	VIOLATION	Colla Amount	ano Rec
55	No Parking anytime	10.00	
269	No standing anytime	15.00	
56	No Parking (designated hours) 7/8:30; 7/9:30; 7/11:00 7/9:00 am	10.00	
57	No Parking (designated hours) 8/8:30;; 8/6:00; 4/6:30; 3/7:00 7/6:30 pm	10.00	
159	No stop/stand, peak hours am	25.00	
259	No stop/stand, peak hours PM	25.00	
36	Official space, in	10.00	
37	Overtime	10.00	
38	Overtime 24 hours	10.00	
40	Parallel, Fail to park	10.00	
41	Private Property, on	10.00	
41	Public Property, on	10.00	
42	Public space, on	10.00	
44	Reserved space	10.00	
03	Residential parking	10.00	
45	Restricted Zone	10.00	
46	School zone	10.10	
47	Sidewalk, on	10.00	
161	Snow Regulation	10.00	
50	Stop sign within 25' of	10.00	
51	Truck in front residence	10.00	
.53	Vehicle less 3' another	10.00	
INSPECTION			
111	Expired Insp. sticker	10.00	
112	Fail to report for	10.00	
113	Failure to display sticker	10.00	
TAGS			
91	No front	10.00	
92	No rear	10.00	
102	Dead	10.00	
103	No D.C.	10.00	

SUBCOMMITTEE RECESS

Senator **Specter**. We appreciate your being here.

That concludes our hearings.

[Whereupon, at 11:40 a.m., Wednesday, June 15, the subcommittee was recessed, to reconvene at 10:15 a.m., Wednesday, June 22.]

MATERIAL SUBMITTED SUBSEQUENT TO THE HEARINGS

[CLERK'S NOTE.—Subsequent to the hearings the following statements were submitted to the committee.]

STATEMENT OF AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES

The American Federation of State, County and Municipal Employees (AFSCME), a labor union representing more than one million public employees nationwide, including 16,000 employees in the District of Columbia, appreciates the opportunity to submit a statement on the D.C. Appropriation for fiscal year 1984. Specifically, we would like to address the federal payment to the District.

AFSCME urges this subcommittee to appropriate the $386 million federal payment recommended by the Administration and supported by the District government. The annual federal payment is designed to compensate the District of Columbia government for the fiscal impacts of the federal presence and the city's responsibilities as the Nation's Capital.

The District foregoes substantial tax revenues due to the presence or explicit actions of the federal government. Of the 29.7 thousand acres in the District, 12.2 thousand or 42.0 percent is either owned or occupied by the Federal establishment and is therefore tax exempt. Additionally, a reduced income and sales tax base exists because of the tax exempt status of the city's largest employer--the Federal government. Explicit Federal actions including, Federal prohibition on taxation of nonresident income earned in the District, exemptions granted for land held by foreign governments or corporations located here for the sole purpose of doing business with the Federal Government, and Congressional limitations on the height of buildings in the District, also limit District tax revenues.

Additionally, the District incurs substantial service costs due to its uniqueness as the nation's capital. Reimbursement is not made to the District for certain activities that benefit the Federal Government. Crowd control during demonstrations and parades, police and fire protection for the Federal enclove, issuance of motor vehicle license plates to the Federal Government and members of the diplomatic corp, and litter control during national events centering in the District are examples of unreimbursed services that the District must incur due to its distinction as the "Capital City".

AFSCME members provide many of the services that are extended to the Congress, the Administration, government workers, tourists, the Diplomatic community, and others. We represent workers in twenty-two different facilities including the Department of General Services, the Department of Environmental Services, and the Department of Human Resources. In these various units, our members perform such services as maintenance; engineering; waste, sewer, water treatment services; sanitation; and social services. AFSCME members perform these services capably and responsibly, and insure the efficient operation of the District both as municipality and as the capital. An insufficient federal payment will only create economic pressures in the city by forcing a decrease in public services which benefit all and vital human services which are depended upon by the poor, the sick, and the elderly.

We therefore urge you to support a $386 million federal payment to the District of Columbia for fiscal year 1984.

While we do support a $386 million federal payment to the District, we are concerned with the manner in which the funds will be expended. In its Fiscal Year 1984 budget, the Administration requests $63 million (a reduction of $14 million from FY'83) in budget authority for the direct Federal subsidy to St. Elizabeths Hospital. It also proposes that the District's capped payment be increased by $29.9 million to $54.6 million (when the $14.1 million in Federal funds projected to be paid as Medicaid Federal Financial Participation is added to this amount, the total D.C. contribution for 1984 will be $68.7 million). Additionally, the Administration calls for legislation to establish a corporation to administer the hospital (to be proposed at some future time). As the public employee union representing the majority of St. Elizabeth Hospital employees, AFSCME urges the rejection of these proposals.

St. Elizabeths Hospital is a federally administered facility that provides inpatient and outpatient services to acutely and chronically ill mental health patients. The hospital provides care to mentally ill persons assumed to be the responsibility of the Federal government and, by statute, to residents of the District of Columbia. Through the Congressional appropriations process, operating and capital outlay funds are provided to the Department of Health and Human Services for the facility. In addition, the District of Columbia government partially reimburses the hospital for the cost of inpatient care to its residents.

The status of this historic facility, which has evolved to a leadership role in mental health research and training, has been the topic of controversy for some time. During the current Administration, OMB originally recommended closure of the hospital, a proposal opposed by the Department of Health and Human Services. The Administration then decided to increase the District's share of the hospital's cost. In any event, should the current Administration proposal be accepted, the patients and employees at the hospital, and the Washington area would face serious consequences. Funding cuts could result in the loss of Medicare and Medicaid payments since receipt of these program funds requires hospital accreditation which in turn, can only be maintained through quality treatment and staffing. If the District could not meet the additional costs under the Administration proposal, there could be a reduction in staff; the discontinuance of research and training; the discontinuance of out-patient, day-care, and out-placement services; the curtailment of building maintenance; and the release of a portion of the inpatient population. The hospital would not be able to meet its outplacement requirements under the Dixon v

Heckler consent decree (which provides for the orderly transfer of some patients from St. Elizabeths to the Community) and would have to alter its open door admission policy and deny necessary care to many truly needy citizens. This would adversely impact the community since St. Elizabeths is the only public hospital in the Washington and surrounding area that is equipped to treat certain types of mental patients including the criminally insane.

While the Administration has not submitted a corporation proposal to the Congress, AFSCME opposes any corporation to manage St. Elizabeths as it would only serve as another vehicle to make further cuts...again affecting patient care. Creation of a corporation would represent the first step toward unloading St. Elizabeths on a community without revenue capacity to support it and without any understanding of what the long term future would hold. Additionally a corporation could hurt hospital employees who may face lay-off, job class downgrading, the right to bargain over working conditions, and loss of pension rights and other benefits. AFSCME represents virtually all of the non-medical staff at the hospital and believes that for performing efficient and quality services, often under dangerous conditions, our members and other employees deserve certain employee protections.

St. Elizabeths Hospital serves a vital and necessary role in treating federally placed and District of Columbia mentally ill patients. The District government, it appears, cannot offset the funding cuts recommended by the Administration. It is our firm belief that federal support and leadership is necessary for the patients at St. Elizabeths to continue to receive responsible and professional care.

In conclusion, AFSCME urges this Subcommittee to support a $386 million federal payment to the District of Columbia and to reject the Administration's proposal to reduce the amount of the federal subsidy to St. Elizabeths Hospital.

STATEMENT OF BERTHA M. ATKIN, FRIENDS OF FOREST HAVEN

Gentlemen:

My name is Bertha N. Atkin, president of Friends of Forest Haven. During the past years the parents and friends of the mentally retarded residents at Forest Haven came before you to ask your help in providing these citizens their rightful place in our society.

A lot of hard work has been accomplished and needs to be continued in the future.

As the residents of Forest Haven are being placed into the community we have to be assured of propper living arrangements and appropriate individualized programs for each of these residents. It is necessary that each client has their own agenda inducive of maximum growth in the least restrictive environment.

This of course means making absolutely certain that all vendors will have the needed funds on hand on time to insure propper food and clothing for all retarded citizens at all times!!!

We are greatful for your support and we ask that you will pass the FY 1984 Budget for Forest Haven and the Community Services as it was presented to you.

Submitted by:
Bertha N. Atkin.
Mrs. Bertha N. Atkin

DISTRICT OF COLUMBIA APPROPRIATIONS FOR FISCAL YEAR 1984

WEDNESDAY, JUNE 22, 1983

U.S. SENATE,
SUBCOMMITTEE OF THE COMMITTEE ON APPROPRIATIONS,
Washington, D.C.

The subcommittee met at 10:15 a.m., in room 1114, Dirksen Senate Office Building, Hon. Arlen Specter (chairman) presiding.

Present: Senator Specter.

Staff present: Tim Leeth.

DISTRICT OF COLUMBIA

OFFICE OF THE MAYOR

STATEMENT OF HON. MARION BARRY, JR., MAYOR OF THE DISTRICT OF COLUMBIA

SUBCOMMITTEE PROCEDURE

Senator SPECTER. Good morning, ladies and gentlemen. We will commence this hearing of the District of Columbia Appropriations Subcommittee.

We have with us today the Honorable Marion S. Barry, Jr., Mayor of the District and the Honorable David A. Clarke, Chairman of the District of Columbia Council.

I express my appreciation to the Mayor and to the Chairman for their courtesies heretofore. I have had occasion to visit with both of them informally about the problems of the city, and the Mayor has been generous in his time in taking me on a tour of city housing and city social service institutions, and more recently accompanying me on a trip to Lorton to take a look at the correctional facilities. And those opportunities have given me greater insight into the problems of the District of Columbia in my personal continuing effort to try to understand these problems to the maximum extent possible to be of assistance in the many pressing problems facing the District.

Mayor Barry, if you would step forward at this time, we have received your prepared statement, have reviewed it, and it will be made a part of the record. To the extent that it is convenient for you to summarize it, that would be preferred, leaving the maximum amount of time for questions and answers.

17-588 O—83——23

PREPARED STATEMENT

Mayor BARRY. Thank you, Mr. Chairman. I would like to enter my complete statement for the record.

Senator SPECTER. Yes. It shall be made part of the record, Mayor Barry.

[The statement follows:]

STATEMENT OF MARION BARRY, JR.

MR. CHAIRMAN AND MEMBERS OF THE SUBCOMMITTEE, I AM PLEASED TO BE HERE TODAY TO PRESENT THE DISTRICT'S FY 1984 BUDGET. IT IS THE PRODUCT OF A LONG AND THOROUGH LOCAL BUDGETARY PROCESS AND REPRESENTS THE PRIORITIES, PROGRAMS AND OBJECTIVES OF THE DISTRICT'S CITIZENS AS REFLECTED BY THEIR ELECTED OFFICIALS.

WHEN I PRESENTED MY ORIGINAL BUDGET TO THE DISTRICT OF COLUMBIA COUNCIL IN JANUARY OF THIS YEAR I STATED THAT IT WAS A BUDGET TO MEET CITIZENS NEEDS IN DIFFICULT TIMES. THE DISTRICT'S REVENUES ARE PROJECTED TO GROW ONLY 4 PERCENT BETWEEN FY 1983 AND 1984. TO LIVE WITHIN OUR RESOURCES, WHILE MAINTAINING ESSENTIAL SERVICES AND CRITICAL PROGRAMS, HAS REQUIRED AND WILL CONTINUE TO REQUIRE BOTH CREATIVITY AND EFFICIENT MANAGEMENT. EACH SUCCESSIVE YEAR DEMANDS THAT FURTHER SAVINGS BE REALIZED TO CLOSE THE GAP BETWEEN ESCALATING EXPENDITURES AND STAGNANT OR SLIGHTLY INCREASING REVENUES.

I AM HAPPY TO REPORT THAT IN FY 1982 THE DISTRICT WAS SUCCESSFUL IN LIVING WITHIN ITS RESOURCES, BALANCING ITS BUDGET AND REDUCING ITS ACCUMULATED GENERAL FUND DEFICIT BY $13.1 MILLION. THIS WAS THE SECOND CONSECUTIVE YEAR THAT WE WERE ABLE TO ACHIEVE BUDGET BALANCE WITHIN STRINGENT STATE AND LOCAL ACCOUNTING PRINCIPLES.

WE ARE FULLY COMMITTED TO ACHIEVING THAT SAME GOAL IN FY 1983, EVEN THOUGH WE BEGAN THE FISCAL YEAR WITH AN ESTIMATED BUDGETARY SHORTFALL OF $110.4 MILLION. OUR MID-YEAR FINANCIAL REPORT, RELEASED IN MID-APRIL INDICATED THAT THE $110.4 MILLION PROBLEM HAD BEEN REDUCED SUBSTANTIALLY. WITH SIX MONTHS OF THE FISCAL YEAR ELAPSED, 66 PERCENT OF THE PROJECTED BUDGETARY SHORTFALL WAS ELIMINATED, LEAVING $37.6 MILLION TO CLOSE BETWEEN APRIL 1 AND THE END OF THE FISCAL YEAR. WE ARE WELL ALONG THE ROAD TO ELIMINATE THE REMAINING GAP AND I EXPECT TO REPORT ON THIRD QUARTER RESULTS IN THE NEAR FUTURE. I HAVE SUBMITTED A SUPPLEMENTAL BUDGET REQUEST TO THE CONGRESS OF THE UNITED STATES WHICH WILL REMEDY SOME OF THE REMAINING PROBLEMS. GIVEN THE ENCOURAGING RESULTS OF THE FIRST HALF OF THE YEAR, AND OUR CONTINUED CAREFUL MONITORING OF ALL CITY EXPENDITURES AND REVENUES, I AM FULLY CONFIDENT THAT THE REMAINING GAP CAN BE CLOSED BY YEAR-END, THAT WE WILL HAVE OUR THIRD CONSECUTIVE BALANCED BUDGET, AND THAT WE WILL, FOR THE THIRD STRAIGHT YEAR, SIGNIFICANTLY REDUCE OUR ACCUMULATED GENERAL FUND DEFICIT.

THE FY 1984 BUDGET WHICH I AM PRESENTING TODAY CONTINUES THE PRUDENT FISCAL POLICIES THAT HAVE BEEN NECESSARY IN THE PAST TWO YEARS. IT IS A RESPONSIBLE BUDGET FOR DIFFICULT TIMES. IT IS NOT A GROWTH BUDGET, BUT IT IS NOT A RETRENCHMENT BUDGET EITHER, INSTEAD IT REPRESENTS OUR BEST JUDGMENT ABOUT MAINTENANCE OF THE SAME LEVEL OF SERVICES IN FY 1984 AS 1983; A SERVICE LEVEL ACHIEVED WITHOUT MAJOR TAX INCREASES--WHICH WOULD IMPOSE AN INTOLERABLE BURDEN ON OUR CITIZENS; WITHOUT REDUCTIONS-IN-FORCE OF FULL-TIME APPROPRIATED EMPLOYEES--WHICH COULD COST MORE IN INCOME ASSISTANCE AND LOST TAXES THAN IS SAVED BY THE REDUCTIONS; WITHOUT CUTTING OFF OUR NEEDIEST CITIZENS FROM CRITICAL HEALTH, HOUSING AND SOCIAL SERVICES SUPPORT; AND WITHOUT UNDERMINING OUR ABILITY TO ENSURE ADEQUATE PUBLIC SAFETY, EDUCATION AND OTHER BASIC SERVICES TO OUR CITIZENS.

LET ME SHARE WITH YOU SOME OF THE HIGHLIGHTS OF THE FY 1984 BUDGET, AND DISCUSS THE MAIN FACTORS WHICH ARE DRIVING OUR EXPENDITURE NEEDS AND AFFECTING THE ALLOCATION OF RESOURCES TO VARIOUS D.C. AGENCIES AND PROGRAMS.

INCREASES IN MANDATED, NON-DISCRETIONARY EXPENDITURES--INCLUDING RETIREMENT CONTRIBUTIONS, DEBT SERVICE, VARIOUS SUBSIDIES AND LEGISLATIVELY REQUIRED PAYMENTS--ARE EQUIVALENT TO NEARLY 100 PERCENT OF THE REVENUE INCREASE FROM FY 1983 TO FY 1984. THIS MEANS THAT OUR OTHER PROGRAM NEEDS MUST BE MET THROUGH MORE EFFICIENT MANAGEMENT, THROUGH THE REDIRECTION OF FUNDS FROM NON-CRITICAL TO ESSENTIAL NEEDS AND THROUGH ATTRITION PROGRAMS DESIGNED TO 'HOLD THE LINE' ON EMPLOYMENT BASE GROWTH IN THE DISTRICT GOVERNMENT.

THE FY 1984 BUDGET ATTEMPTS TO MEET THE CONSTRAINTS IMPOSED BY LIMITED REVENUE GROWTH AND THE BURDEN OF MANDATED, NON-DISCRETIONARY INCREASES IN SEVERAL WAYS. IT IS BASED UPON THE FIVE ESSENTIAL THEMES THAT I HIGHLIGHTED IN MY INAUGURAL AND STATE OF THE DISTRICT ADDRESSES EARLIER THIS YEAR:

(1) MOVING MORE OF OUR POPULATION FROM DEPENDENCY TO NON-DEPENDENCY BY ENSURING THAT JOBS OR JOB TRAINING, ACCESS TO HOUSING AND THE INCOME ASSISTANCE NEEDED IN TIMES OF TEMPORARY STRESS ARE AVAILABLE;

(2) INCREASING ECONOMIC DEVELOPMENT AND ENHANCING OUR LOCAL TAX BASE SO THAT REVENUE GROWTH CAN BE ACHIEVED AND JOBS ENSURED;

(3) PROMOTING EXCELLENCE IN EDUCATION AND FOSTERING HARMONY AND COOPERATION BETWEEN ALL ELEMENTS OF OUR PUBLIC EDUCATION SYSTEM;

(4) CONTINUING TO MAINTAIN AND IMPROVE THE DELIVERY OF ESSENTIAL SERVICES TO OUR RESIDENTS; AND

(5) ASSURING THAT OUR CITIZENS ARE PROTECTED AND THAT OUR CRIMINAL JUSTICE SYSTEM IS SWIFT AND FAIR.

SEVERAL STRATEGIES ARE EMPLOYED IN THE FY 1984 BUDGET REQUEST TO MEET OUR NEEDS AND PROMOTE THESE FIVE OVERALL GOALS. WE HAVE INCLUDED A VARIETY OF PROPOSALS DESIGNED TO ESTABLISH A CLOSER RELATIONSHIP BETWEEN THE COST OF GOVERNMENT SERVICES, THE AMOUNT OF SERVICE PROVIDED AND INDIVIDUALS' ABILITY TO PAY. SLIDING FEES FOR CERTAIN CLINIC SERVICES, OUR PROPOSAL TO SPREAD THE BURDEN OF STREET LIGHTING COSTS MORE EQUITABLY ACROSS ALL ELECTRICITY CONSUMERS, AND OUR FIVE YEAR PLAN TO REDUCE THE ACCUMULATED DEFICIT IN THE WATER AND SEWER ENTERPRISE FUND WHILE MEETING OPERATING COST INCREASES ARE SEVERAL EXAMPLES OF THIS STRATEGY.

MORE EFFICIENT, BUT STILL COMPASSIONATE GOVERNMENT PROGRAMS WILL HELP US TO MAINTAIN CRITICAL SERVICES IN THE FACE OF FISCAL CONSTRAINTS IN FY 1984. THIS BUDGET PROVIDES THE RESOURCES NEEDED TO SUPPORT MORE THAN 5500 PERSONS WITH TEMPORARY DISABILITIES WHO ARE AWAITING SOCIAL SECURITY DETERMINATIONS OR INELIGIBLE FOR SOCIAL SECURITY BUT STILL UNABLE TO WORK. UNLIKE OUR CURRENT GENERAL PUBLIC ASSISTANCE PROGRAM, NEXT YEAR'S PROGRAM WILL INCLUDE MANDATORY TREATMENT REQUIREMENTS, EXPEDITED SOCIAL SECURITY REVIEWS AND PROVISIONS FOR ONE TIME, SHORT TERM ASSISTANCE IF THE SUPPORTING LEGISLATION CURRENTLY BEFORE THE DISTRICT OF COLUMBIA COUNCIL IS APPROVED. THE CLIENTS SERVED BY THE PROGRAM WILL BE BETTER OFF, AS EXPEDITED SOCIAL SECURITY REVIEWS WILL ALLOW THOSE ELIGIBLE TO RECEIVE THE HIGHER, TRANSFERABLE BENEFITS MORE QUICKLY; THOSE REQUIRING TREATMENT WILL BE ENSURED OF ITS PROVISION; AND THOSE IN NEED OF VOCATIONAL SERVICES WILL BE ASSURED OF ACCESS TO IT; AND THE DISTRICT WILL BE ABLE TO PROVIDE THE SERVICES AT LOWER COST AND WITH FEWER CLIENTS ON LONG TERM ASSISTANCE.

THIS BUDGET PROVIDES THE RESOURCES NECESSARY TO OFFER 16,000 SUMMER YOUTH JOBS AND MORE THAN 7500 JOB TRAINING AND RETRAINING SLOTS. WE BELIEVE THAT JOBS ARE

THE CORE OF WHAT'S NECESSARY TO MOVE PEOPLE FROM DEPENDENCE TO INDEPENDENCE AND THIS BUDGET MAINTAINS THE DISTRICT'S COMMITTMENT --THE HIGHEST OF ANY CITY IN THE COUNTRY --TO THE LOCAL SUPPORT OF JOB PROGRAMS.

THE FY 1984 BUDGET PROVIDES FOR 6000 DAY CARE SLOTS; AN ESSENTIAL SERVICE THAT ALLOWS MANY MOTHERS TO CONTINUE WORKING WHO WOULD OTHERWISE BE UNABLE.

EDUCATION IS A FUNDAMENTAL ELEMENT OF OUR LONG TERM ECONOMIC STRATEGY. IF OUR POPULACE CAN'T READ, IF IT CAN'T WRITE OR UNDERSTAND NUMBERS, IF IT ISN'T EXPOSED TO THE TECHNOLOGY WHICH IS SHAPING OUR ECONOMIC ENVIRONMENT, THEN OUR CHILDREN CANNOT POSSIBLY BECOME CONTRIBUTING MEMBERS OF THIS COMMUNITY. THE FY 1984 BUDGET PROVIDES $326 MILLION FOR ELEMENTARY AND SECONDARY EDUCATION -- SUPPORTING MORE THAN 89,000 STUDENTS. IN ADDITION, MORE THAN $68 MILLION IS REQUESTED FOR TEACHER'S RETIREMENT CONTRIBUTIONS. $61 MILLION FOR HIGHER EDUCATION TO SUPPORT FIFTEEN THOUSAND FULL AND PART-TIME STUDENTS IN ACADEMIC AND VOCATIONAL TRAINING AT THE UNIVERSITY OF THE DISTRICT OF COLUMBIA IS REQUESTED IN FY 1984.

ELDERLY SERVICES WILL BE SUSTAINED AND EXPANDED IN FY 1984, WITH THE OFFICE ON AGING PROPOSED FOR AN EIGHT PERCENT INCREASE OVER FY 1983. THIS WILL ALLOW MANY OF THE INFLATIONARY COSTS OF CONTRACTED SERVICES TO BE MET.

OUR GOALS FOR PUBLIC SAFETY ARE CLEARLY REFLECTED IN THE FY 1984 BUDGET REQUEST. PUBLIC SAFETY AGENCIES ARE PROPOSED TO INCREASE 12 PERCENT IN FY 1984 --AT A TIME WHEN OVERALL DISTRICT RESOURCES GROW ONLY 4 PERCENT. THE POLICE, FIRE AND CORRECTIONS DEPARTMENTS ARE ALL RECOMMENDED FOR SIGNIFICANT INCREASES --INCREASES WHICH WILL FUND THE MAJORITY OF THEIR PAY ADJUSTMENT AND ALLOW THE MANDATED PERSONNEL LEVELS TO BE MAINTAINED. WE BELIEVE THAT THIS LEVEL OF FUNDING WILL ALLOW THIS DEPARTMENT TO CONTINUE THE IMPRESSIVE CRIME REDUCTION WITNESSED IN THE PAST SEVERAL MONTHS. OUR LOCAL COURTS ARE RECOMMENDED FOR AN 11 PERCENT INCREASE OVER FY 1983 --NEARLY THREE TIMES THE DISTRICT'S OVERALL GROWTH RATE. WE BELIEVE THAT THE COMMITTMENT MADE TO THE COURTS IN THE DISTRICT'S REQUEST IS NOT ONLY ADEQUATE BUT SUBSTANTIAL IN LIGHT OF OUR FISCAL LIMITATIONS. WHEN THE RESOURCES OF THE LOCAL COURTS ARE COMPARED TO TO OTHER UNIFIED COURT SYSTEMS THE RATIO OF JUDGES TO POPULATION IN THE DISTRICT COMPARES FAVORABLY. IN A WORLD OF UNLIMITED RESOURCES IT MIGHT BE

DESIRABLE TO INCREASE THE FUNDING FOR COURT AND COURT RELATED ACTIVITIES. GIVEN THE FISCAL REALITIES OF THE DISTRICT I BELIEVE THAT OUR BUDGET REQUEST IS SUBSTANTIAL AND RESPONSIVE TO THE COURT'S SERIOUS NEEDS.

WATER IS ALSO A BASIC SERVICE. I AM PARTICULARLY PROUD OF THE FIVE YEAR PLAN CONTEMPLATED BY THE FY 1984 BUDGET AND RECENTLY ENACTED BY THE DISTRICT OF COLUMBIA COUNCIL TO REDUCE THE ACCUMULATED DEFICIT IN OUR WATER AND SEWER ENTERPRISE FUND. WE HAVE SPENT ENORMOUS EFFORT ON WATER SERVICES IN THE PAST FOUR AND ONE-HALF YEARS OF MY ADMINISTRATION. CONTINUED IMPROVEMENTS I HOPE WILL ALLOW US TO DEMONSTRATE TO THE CITIZENS OF THIS COMMUNITY THAT THE WATER UTILITY CAN BE WELL RUN, COST-EFFICIENT AND PROTECTIVE OF ENVIRONMENTAL QUALITY.

CLOSELY RELATED TO OUR PUBLIC WORKS REQUEST IS OUR CAPITAL BUDGET REQUEST OF APPROXIMATELY $112 MILLION FOR FY 1984. OUR CAPITAL PROGRAM, AS IN PRIOR YEARS, IS HEAVILY COMMITTED TO BASIC MAINTENANCE AND REPLACEMENT, RECYCLING OF BUILDINGS AND PLANT THROUGH RESTORATION AND RENOVATION, AND INFRASTRUCTURE IMPROVEMENT.

I HAVE HIGHLIGHTED MANY OF THE PROGRAM ASSUMPTIONS IN THE FY 1984 BUDGET. LET ME NOW REVIEW SOME OF THE BROADER RESOURCE ISSUES INVOLVED.

FY 1984 REPRESENTS THE THIRD YEAR OF OUR THREE YEAR LABOR AGREEMENTS. I HAVE STATED REPEATEDLY, AND UNEQUIVOCALLY, THAT I AM COMMITTED TO HONORING THOSE AGREEMENTS. THE FY 1984 BUDGET ASSUMES THAT THE FULL PAY ADJUSTMENT WILL BE PROVIDED. UNLIKE FY 1983, WE ARE NOT SEEKING A LUMP SUM APPROPRIATION FOR A PORTION OF THE PAY ADJUSTMENT. INSTEAD, AGENCY MARKS ASSUME THAT THE ADJUSTMENT WILL BE ACCOMPLISHED THROUGH A COMBINATION OF INCREASES TO THE FY 1983 BASE (PRIMARILY FOR PUBLIC SAFETY AGENCIES), REDIRECTIONS OF OTHER THAN PERSONAL SERVICE FUNDS AND ATTRITION.

I HAVE ALSO STATED REPEATEDLY MY COMMITMENT TO RETIREMENT OF THE GENERAL FUND DEFICIT. FOR TWO SUCCESSIVE YEARS WE HAVE BEEN ABLE TO REDUCE THE DEFICIT, SO THAT AT FY 1982 YEAR END IT WAS $296 MILLION. I INTEND TO ENSURE THAT THE DEFICIT IS FURTHER REDUCED IN FY 1983. FISCAL CONSTRAINTS AFFECT THE LEVEL OF THE BUDGETARY COMMITMENT WHICH CAN BE MADE IN ANY GIVEN FISCAL YEAR FOR THIS PURPOSE. AS I NOTED IN MY RECENT LETTER TO THE CONGRESS PROPOSING OUR PLAN

FOR ELIMINATION OF THE ACCUMULATED DEFICIT, WE ARE WILLING TO COMMIT BETWEEN $5 AND $20 MILLION ANNUALLY ON A BUDGETARY BASIS FOR THIS PURPOSE IF THE FEDERAL GOVERNMENT WILL MATCH OUR COMMITMENT AND IF WE ARE AUTHORIZED TO FINANCE AT LEAST A PORTION OF THE OUTSTANDING AMOUNT TO MEET OUR IMMEDIATE WORKING CAPITAL NEEDS. THE FY 1984 BUDGET REFLECTS OUR COMMITMENT TO THIS PROGRAM BY REQUESTING $5 MILLION FOR DEFICIT REDUCTION. GIVEN OTHER FISCAL REALITIES I CONTINUE TO BELIEVE THAT $5 MILLION IS THE MAXIMUM AMOUNT THAT SHOULD BE APPROPRIATED FOR THIS PURPOSE IN FY 1984. EVERY EFFORT WILL, OF COURSE, BE MADE TO EXCEED THIS LEVEL OF DEBT RETIREMENT.

THE FY 1984 BUDGET ALSO INCLUDES A NEW APPROPRIATION TITLE PROVIDING RESOURCES FOR INTEREST ON SHORT-TERM BORROWINGS. AS YOU KNOW, THE DISTRICT HAS IN THE PAST MET ITS SHORT-TERM CASH NEEDS THROUGH INTEREST FREE ADVANCES FROM THE FEDERAL TREASURY. THE FY 1984 BUDGET ASSUMES THAT THESE NEEDS WILL NO LONGER BE MET IN THIS WAY BUT THAT THE DISTRICT WILL--LIKE ALL OTHER STATE AND LOCAL GOVERNMENTS--SEEK THE NECESSARY FUNDS IN THE PRIVATE MARKET. $3.750 MILLION IS REQUESTED FOR THIS PURPOSE IN FY 1984.

FINALLY, BY WAY OF OVERVIEW, OUR FY 1984 BUDGET ASSUMES A FEDERAL PAYMENT OF $361 MILLION. AS YOU ARE AWARE, THE PRESIDENT HAS RECOMMENDED A FEDERAL PAYMENT OF $25 MILLION GREATER THAN THIS AMOUNT. WE ARE DELIGHTED THAT THE ADMINISTRATION HAS PROPOSED THIS INCREASE AND HOPE THAT CONGRESS WILL CONCUR IN HIS RECOMMENDATION. THE ADDITIONAL $25 MILLION, IF APPROVED, WILL BE ALLOCATED TO RETIREMENT COSTS ($12.2 MILLION), D.C. GENERAL HOSPITAL ($8.0 MILLION); AND ST. ELIZABETHS HOSPITAL ($4.8 MILLION).

THE DISTRICT OF COLUMBIA IS A COMPLICATED JURISDICTION WITH THE COMBINED RESPONSIBILITIES OF STATE, COUNTY AND MUNICIPAL GOVERNMENTS, AND A BUDGETARY AND LEGISLATIVE PROCESS THAT SPANS BOTH FEDERAL AND LOCAL BODIES. WE HAVE LEARNED, ALONG WITH CONGRESS, THE NECESSITY FOR FISCAL RESPONSIBILITY, COST CONTROL, PRUDENT MANAGEMENT AND CLOSE COOPERATION AS WE MOVE TOWARDS FULL LOCAL AUTONOMY. I BELIEVE THAT WE HAVE DEMONSTRATED THAT FISCAL RESPONSIBILITY AND COMPASSIONATE GOVERNMENT ARE NOT INCONSISTENT; THAT FISCAL CONTSTRAINTS--AS A CONSEQUENCE OF POOR ECONOMIC CONDITIONS, MANDATED NON-DISCRETIONARY EXPENDITURES AND INCREASING CITIZEN DEMANDS--NEED NOT RENDER US INCAPABLE OF

PROVIDING JOBS, EDUCATION, HOUSING, AND HUMAN SERVICES OR ENSURING THE PUBLIC SAFETY.

IN FY 1984 WE WILL CONTINUE TO DEMONSTRATE THESE PRINCIPLES. IT WILL NOT BE A YEAR OF REVENUE WINDFALLS OR MASSIVE EXPANSION OF THE DISTRICT GOVERNMENT. WE ARE UNLIKELY TO EXPERIENCE A PERIOD IN THE FORESEEABLE FUTURE WHEN SUCH A BOOM OR SUCH EXPANSION COULD OCCUR. THE EFFECTS OF FEDERAL CUTBACKS, AND THE GENERAL ECONOMIC MALAISE WHICH HAS BEEN SO PERSISTENT, HAVE BEEN DAMAGING FOR THE DISTRICT BUT NOT YET DEVASTATING. WE CAN MANAGE OUR RESOURCES EFFECTIVELY; WE CAN IMPROVE PROGRAMS AND SERVICES EVEN IN THE FACE OF CONSTRAINT; AND WE CAN INSIST THAT THE PRIORITIES OF THIS CITY-PEOPLE, JOBS AND GROWTH--ARE PROMOTED EVEN WHEN THE TIMES ARE DIFFICULT. I BELIEVE THAT THE FY 1984 BUDGET PROMOTES THESE PRIORITIES AND MEETS THESE GOALS. I WELCOME YOU TO YOUR NEW RESPONSIBILITIES AS CHAIRMAN OF THE SENATE APPROPRIATIONS SUBCOMMITTEE ON THE DISTRICT OF COLUMBIA AND I LOOK FORWARD TO YOUR COMMITTEE'S FAVORABLE REVIEW OF OUR REQUESTS AND TO YOUR SUPPORT AS OUR BUDGET MOVES THROUGH THE FULL CONGRESSIONAL PROCESS.

I WILL CONCENTRATE MY REMAINING COMMENTS ON THE MAJOR HIGHLIGHTS OF EACH APPROPRIATION TITLE AND MAJOR AGENCY.

GOVERNMENT DIRECTION AND SUPPORT

A TOTAL OF $44.2 MILLION IS REQUESTED FOR GOVERNMENT DIRECTION AND SUPPORT.

THE FY 1984 BUDGET REQUEST INCLUDES NO PROGRAM INCREASES FOR THE OFFICES OF MAYOR, CITY ADMINISTRATOR, BUDGET, OR FINANCIAL MANAGEMENT. FUNDS HAVE BEEN PROVIDED FOR PAY ADJUSTMENTS TO THOSE AGENCIES WHERE TURNOVER IS MINIMAL. THE VICTIMS OF CRIME COMPENSATION PROGRAM IS TRANSFERRED TO THE DEPARTMENT OF EMPLOYMENT SERVICES AND THE ENERGY OFFICE IS ESTABLISHED AS A SEPARATE AGENCY IN THE HUMAN SERVICES SUPPORT APPROPRIATION TITLE.

AN INCREASE OF $871,000 IS REQUESTED FOR THE BOARD OF ELECTIONS AND ETHICS FOR THREE SCHEDULED ELECTIONS IN FY 1984.

THE ADMINISTRATIVE COSTS OF THE D.C. RETIREMENT BOARD ARE FINANCED BY GENERAL FUND CONTRIBUTIONS AS WELL AS INVESTMENT EARNINGS. FOR FY 1984 $425,000 IS PROVIDED FROM THE GENERAL FUND AND $1,903,700 FROM INVESTMENT EARNINGS.

ECONOMIC DEVELOPMENT AND REGULATION

WE ARE REQUESTING $56.6 MILLION FOR ECONOMIC DEVELOPMENT AND REGULATION AGENCIES.

THE MAJORITY OF THE AGENCIES IN THIS APPROPRIATION TITLE ARE COVERING THE PAY ADJUSTMENT THROUGH REDIRECTIONS AND ATTRITION. HOWEVER, $1.1 MILLION IS PROVIDED FOR THE DEPARTMENT OF FINANCE AND REVENUE TO MAINTAIN THE CURRENT LEVEL OF SERVICES.

THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT WILL CONTINUE ITS CURRENT PROGRAM LEVELS DESPITE A SMALL DECREASE IN THE REHABILITATION FINANCING AND LAND ACQUISITION PROGRAMS.

CAPITAL REQUESTS IN ECONOMIC DEVELPOPMENT AND REGULATION INCLUDE $5.8 MILLION FOR THE OFFICE OF BUSINESS AND ECONOMIC DEVELOPMENT'S INFRASTRUCTURE IMPROVEMENT AND REAL ESTATE PURCHASE PROGRAMS; AND $8.3 MILLION FOR THE CONTINUED IMPROVEMENT OF DISTRICT HOUSING STOCK AND THE FORT LINCOLN COMMUNITY.

PUBLIC SAFETY AND JUSTICE

AS NOTED IN MY SUMMARY REMARKS, WE ARE REQUESTING A 12 PERCENT INCREASE IN RESOURCES FOR PUBLIC SAFETY AND JUSTICE AGENCIES. A TOTAL OF $457.5 MILLION IS REQUESTED.

THE INCREASES ARE PRIMARILY FOR PAY ADJUSTMENTS AND THE OTHER PERSONAL SERVICES COSTS ASSOCIATED WITH THESE LABOR INTENSIVE AGENCIES.

THE DISTRICT IS REQUESTING $3.0 MILLION, $33.4 MILLION AND $7.9 MILLION RESPECTIVELY FOR THE COURT OF APPEALS, SUPERIOR COURT AND COURT SYSTEM. THIS REPRESENTS NEARLY 11 PERCENT MORE THAN THE FY 1983 CONGRESSIONALLY APPROVED LEVEL.

PUBLIC EDUCATION

WE ARE REQUESTING $473.6 MILLION FOR PUBLIC EDUCATION AGENCIES. THIS INCLUDES FUNDS FOR THE D.C. PUBLIC SCHOOLS. TEACHER'S RETIREMENT CONTRIBUTIONS, THE UNIVERSITY OF THE DISTRICT OF COLUMBIA, THE PUBLIC LIBRARY, THE COMMISSION ON ARTS AND HUMANITIES, THE EDUCATIONAL LICENSURE COMMISSION AND THE SCHOOL TRANSIT SUBSIDY.

AS SCHOOL ENROLLMENT HAS DECLINED, SO HAS THE DEMAND FOR THE SCHOOL TRANSIT SUBSIDY. THE FY 1984 REQUEST REFLECTS THE ANTICIPATED ACTUAL DEMAND FOR FY 1984.

HUMAN SUPPORT SERVICES

WE ARE REQUESTING $486.8 MILLION FOR THIS APPROPRIATION TITLE IN FY 1984.

THE LARGEST AGENCY INCLUDED IN THIS TITLE IS THE DEPARTMENT OF HUMAN SERVICES. FUNDING IS PROVIDED FOR A MULTITUDE OF FAMILY SUPPORT, INCOME MAINTENANCE AND HEALTH SERVICES. THE DEPARTMENT IS ALSO RESPONSIBLE FOR OUR JUVENILE JUSTICE INSTITUTIONS AND PROGRAMS AND THE FY 1984 BUDGET CONTEMPLATES THE EXPANSION OUR SUCCESSFUL HOME DETENTION PROGRAM AND THE STREAMLINING OF JUVENILE INSTITUTIONAL SERVICES.

THE FY 1984 HUMAN SERVICES BUDGET ALSO ASSUMES MORE AGGRESSIVE COST REIMBURSEMENT PROGRAMS IN THE DEPARTMENT, PARTICULARLY WITH RESPECT TO FOREST HAVEN AND OTHER HEALTH CARE PROGRAMS.

THE DEPARTMENT OF EMPLOYMENT SERVICES IS PROPOSED TO RECEIVE $19.6 MILLION IN APPROPRIATED FUNDS IN FY 1984, ALLOWING EXTENSIVE YOUTH AND ADULT TRAINING AND RETRAINING PROGRAMS TO BE CONTINUED.

UNEMPLOYMENT AND DISABILITY COMPENSATION PROGRAMS REFLECT SLIGHT DECREASES FROM THE PRIOR YEAR, REFLECTING ACTUAL CLAIMS EXPERIENCE IN FYS 1982 AND 1983.

THIS APPROPRIATION TITLE INCLUDES SUBSIDIES FOR ST.ELIZABETHS HOSPITAL AND D.C. GENERAL HOSPITAL IN ADDITION TO THE DISTRICT'S OTHER HUMAN SUPPORT AGENCIES. THE BUDGET PROPOSES THE SAME LEVEL OF FUNDING FOR ST. ELIZABETHS AS PROVIDED IN FY 1983 ALTHOUGH, AS PREVIOUSLY NOTED, AN ADDITIONAL $4.8 MILLION OF THE INCREASED FEDERAL PAYMENT WILL BE USED FOR THIS PURPOSE IF IT IS APPROVED.

D.C. GENERAL IS PROPOSED TO RECEIVE THE SAME SUBSIDY IN FY 1984 AS 1983 EXCEPT, AS IS THE CASE WITH ST. ELIZABETHS, $8.0 MILLION OF THE INCREASED FEDERAL PAYMENT WILL BE ALLOCATED FOR THIS PURPOSE IF APPROVED.

PUBLIC WORKS

THIS REPRESENTS A NEW APPROPRIATION TITLE FOR FY 1984 AND INCLUDES THE DEPARTMENT OF GENERAL SERVICES, TRANSPORTATION AND ENVIRONMENTAL SERVICES.

WE ARE REQUESTING $190.6 MILLION FOR THIS APPROPRIATION TITLE.

THESE FUNDS WILL ALLOW US TO CONTINUE ALL BASIC SERVICES IN THESE AGENCIES WHILE WE SIMULTANEOUSLY SEEK MORE EFFICIENT AND INNOVATIVE MEANS OF DELIVERING THESE SERVICES.

THIS APPROPRIATION TITLE ALSO INCLUDES OUR WMATA SUBSIDY, WHICH WE ARE PROPOSING AT $98.5 MILLION FOR FY 1984. WE ARE CONVINCED THAT WMATA CAN REALIZE COST SAVINGS IN THEIR OPERATIONS AND, THUS, HOLD DOWN THE OPERATING SUBSIDY COSTS TO THE PARTICIPATING JURISDICTIONS. THE DISTRICT'S BUDGET REFLECTS OUR COMMITTMENT TO THESE EFFICIENCIES.

THE DEPARTMENT OF TRANSPORTATION'S BUDGET ASSUMES THE REALLOCATION OF STREET LIGHTING COSTS TO ALL ELECTRICITY CONSUMERS THROUGH THE RATE BASE. WE BELIEVE THAT THIS CAN BE ACCOMPLISHED THROUGH REGULATORY RATHER THAN LEGISLATIVE ACTION AND WE ARE ACTIVELY PURSUING THIS COURSE. SOME $12 MILLION WILL BE SAVED IN FY 1984 THROUGH THIS PLAN. IT SHOULD BE NOTED THAT THE DISTRICT IS NOT ATTEMPTING TO SHIFT THE GOVERNMENT'S OWN SHARE OF STREET LIGHTING COSTS TO OTHER CONSUMERS. $1.5 MILLION IS INCLUDED IN THE DEPARTMENT OF GENERAL SERVICES BASE

TO COVER THE ANTICIPATED INCREASE IN DISTRICT ELECTRICITY COSTS AS A RESULT OF THIS PROPOSAL.

REPAYMENT OF LOANS AND INTEREST

WE ARE REQUESTING $158.7 MILLION FOR GENERAL FUND DEBT SERVICE IN FY 1984.

THIS WILL COVER THE FY 1984 COSTS OF OUTSTANDING LOANS FOR CAPITAL PROJET CONSTRUCTION, INCLUDING A PORTION OF THE DEBT SERVICE ASSOCIATED WITH CONSTRUCTION COSTS AT ST. ELIZABETHS HOSPITAL.

REPAYMENT OF THE GENERAL FUND DEFICIT

AS PREVIOUSLY DISCUSSED WE ARE REQUESTING $5 MILLION IN BUDGET AUTHORITY FOR THIS PURPOSE IN FY 1984. THIS IS CONSISTENT WITH OUR PROPOSALS WITH RESPECT TO EVENTUAL ELIMINATION OF THE ENTIRE ACCUMULATED DEFICIT AND REFLECTS THE FISCAL REALITIES WE PERCEIVE FOR FY 1984.

SHORT-TERM INTEREST

$3.750 MILLION IS REQUESTED TO COVER INTEREST ON SHORT-TERM BORROWING IN FY 1984 TO MEET THE DISTRICT'S SEASONAL CASH FLOW NEEDS.

ENERGY AND ADDITIONAL GROSS PAY ADJUSTMENTS

THESE NEGATIVE APPROPRIATIONS REFLECT ACROSS THE BOARD SAVINGS TO BE REALIZED IN THESE TWO EXPENDITURE CATEGORIES. THE ACTUAL DISTRIBUTION OF THESE SAVINGS WILL BE DETERMINED AT THE BEGINNING OF FY 1984.

CAPITAL IMPROVEMENTS

$111.6 MILLION IS REQUESTED IN CAPITAL BUDGET AUTHORITY FOR FY 1984. CONSISTENT WITH LONG-STANDING DISTRICT PRIORITIES THIS AUTHORITY IS REQUESTED TO ALLOW US TO PURSUE: (1) STATUTORY AND CODE REQUIRED IMPROVEMENTS; (2) BASIC FACILITY IMPROVEMENTS; (3) EFFICIENCY IMPROVEMENTS -- PARTICULARLY THOSE WHICH

MAY REALIZE LONG TERM COST SAVING; (4) REVENUE PRODUCING CAPITAL PROJECTS; (5) SPACE IMPROVEMENTS AND (6) SPACE EXPANSION THROUGH CONVERSIOON AND REHABILITATION.

WATER AND SEWER ENTERPRISE FUND

WE ARE REQUESTING $114.4 MILLION IN OPERATING AND $11.2 MILLION IN CAPITAL AUTHORITY FOR THE WATER AND SEWER ENTERPRISE FUND IN FY 1984.

OUR LOCAL WATER UTILITY, THIS FUND PROVIDES THE RESOURCES NECESSARY FOR THE WATER DISTRIBUTION, SEWAGE TREATMENT AND OTHER POLLUTION CONTROL PROGRAMS. OF PARTICULAR IMPORTANCE IN FY 1984 IS OUR FIVE YEAR PROGRAM OF RATE INCREASES DESIGNED TO ALLOW THE FUND TO BE SELF-SUPPORTING AND TO ELIMINATE THE ACCUMULATED DEFICIT OF THE FUND IN FIVE YEARS.

CONVENTION CENTER

WE ARE SEEKING $9.6 MILLION IN BUDGET AUTHORITY FOR THE CONVENTION CENTER IN FY 1984.

WE EXPECT THE CENTER TO GENERATE OPERATING REVENUES OF $5.7 MILLION, AND ALLOCATED AND DEDICATED TAX REVENUES OF $7.8 MILLION, FOR TOTAL REVENUES OF $13.5 MILLION IN FY 1984. THE EXCESS OF REVENUES OVER EXPENDITURES WILL BE RETURNED TO THE GENERAL FUND.

LOTTERY AND CHARITABLE GAMES ENTERPRISE FUND

$2.8 MILLION IN BUDGET AUTHORITY FOR THIS FUND IS REQUESTED FOR FY 1984. WE PROJECT NET REVENUES TO THE DISTRICT IN FY 1984 OF $42.5 MILLION FROM THIS SOURCE.

OPENING REMARKS OF MAYOR BARRY

Mayor **Barry**. And I would like to, first of all, thank you, Mr. Chairman, for your keen interest and concern into the affairs of the District of Columbia government. Thank you for your continued understanding of the problems of urban cities, which we are facing and other cities are facing, and also to indicate for the record my great delight at being able to make these two tours with you. I think it was helpful for both of us to get a chance to discuss common concerns and common problems and desired results and possible solutions.

I am sorry that our tour on Monday was cut short a little bit by your having to come back to vote.

Senator **Specter**. But we did make the vote, Mayor, thanks to your excellent chauffeur and fine ride, all of which was within the speed limit.

Mayor **Barry**. That is right. No running red lights. We made it.

Mr. Chairman, when I presented my original budget to the District of Columbia Council in January of this year, I stated it was a budget to meet citizens' needs in difficult times. The District's revenues are projected to grow only 4 percent between fiscal years 1983 and 1984.

To live within resources while maintaining the essential services and critical programs has required and will continue to require both creativity and efficient management. Each successive year demands that further savings be realized to close the gap between escalating expenditures and stagnant or slightly increasing revenues.

Mr. Chairman, in terms of our fiscal year 1982 budget, we released our audit earlier this year, again indicating that we had not only balanced our budget for fiscal year 1982, but we had revenue over expenditures of $13.1 million. This is the second consecutive year that we were able to achieve budget balance. We are fully committed to the same for fiscal year 1983, even though we began the fiscal year with an estimated budgetary shortfall of $110 million. Our midyear projections indicate that we have reduced this $110 million significantly, and we are down to a gap of possibly $37.6 million.

Senator **Specter**. Mayor Barry, if I may ask you at this point: How were you successful in those very significant reductions in the projected shortfall?

Mayor **Barry**. Mr. Chairman, $50 or $52 million of that $110 million potential deficit was a possible revenue shortfall. The other almost $60 million was projected overspending by departments based on their early spending projections.

We reduced spending. We gave revised budget marks to departments. We monitored their spending rather closely. The biggest problem in terms of the $60 million of potential overspending was in the Department of Human Services. I think the Department of Human Services had a potential deficit of about $45 million with a significant amount of that in the medicaid budget.

MEDICAID HOSPITAL AGREEMENT

We were able to reach an almost unprecedented agreement by getting the hospitals in the city to agree to an overall cap of about $97 million of expenditures in their acute care facilities.

Senator SPECTER. How did you get them to agree to that and what happens to the quality and quantity of service under that cap arrangement?

Mayor BARRY. Mr. Chairman, we were projecting expenditures of $126 million if we had continued at the same rate for the rest of this year. We are going to impose some very stringent requirements on the hospitals. I will give you a couple of examples. If you have elective surgery—that is, if you have a problem and you decide to go into the hospital next Monday or next Friday and it is not an emergency, but rather it is a medical problem, your physician and you decide that it can wait until next Friday.

The common practice is that you may go into the hospital on Monday or Tuesday and just wait. You are not really acutely ill in the sense that you need to be hospitalized. We proposed to make that 1 day. That is, we would only pay the day before the surgery was to take place. That would be the preparation day.

We also had proposed to put a limit on the length of time that people who do not have acute care problems stayed in hospitals. What happens now if you go to the hospital, particularly if you are elderly, and your acute care situation has been taken care of, what you need is an intermediate nursing home or a rest place just to recover. We had threatened to pay them at the nursing home rate.

There is a whole range of things like that, that we have discussed with the hospitals. Moreover, Mr. Chairman, we have been working with the hospitals, particularly those where babies are born, on our infant mortality program. We have gotten them to voluntarily allow the newborn babies to be examined by an outside person.

So there has been a cooperative relationship developing. I think this is just the culmination of it.

Senator SPECTER. Mayor, is this cap an absolute total figure which the hospitals will charge so that if they give—they cannot, obviously, predict with precision how many people will come to the hospital. But is this cap absolute no matter how many people come to them?

Mayor BARRY. Absolutely.

Senator SPECTER. They are undertaking the risk factor if more people come to them.

Mayor BARRY. Mr. Chairman, it is going to increase, in my view, the quality of care in the sense that I think they are going to pay more attention to how long people stay in the hospital. They are going to be very scrutinizing of physicians who recommend inpatient care as opposed to outpatient care.

Senator SPECTER. Now, aside from the issue of cap, is it possible that the city's obligation could be less than that if lesser services were performed by the hospital, however unlikely that might be?

Mayor BARRY. It is unlikely. What we agreed to do is to advance them on a monthly basis an estimated amount of money that will not exceed this cap.

Now, they still have to submit the medicaid bills to us, and they still are subject to an audit of those bills. What has happened, Mr. Chairman, in the past, after an audit has taken place we find that they owe us money. For example, last spring the hospitals collectively owed us about $15 million in reimbursements. That is, after the audit was done, we found that they owed us about that much collectively.

And we again said we would get it out of future payments, which they did not particularly like because it would affect their shortfall. What this does for the hospitals is guarantee them a monthly income that they can predict will be coming in. What it does for the District is it caps the amount of money.

We think it is unprecedented in this region, probably, maybe unprecedented in the country, that the hospitals have agreed to this arrangement.

INCREASING HEALTH CLINIC FEES

Senator SPECTER. Mr. Mayor, on this subject, your 1984 budget proposes charging a fee for people coming to the public health clinics for screening or treatment of venereal diseases, drug addiction, lead poisoning, or tuberculosis.

And there has been some expression of concern that that new requirement may discourage people from coming for that kind of treatment. And I would be interested in your thinking on that subject.

Mayor BARRY. Mr. Chairman, we originally proposed that, but we later worked out a compromise with the Council. But let me just give my administration's philosophy about what the Government ought to do.

It is my firm belief that the Government ought to take care of the health needs of those persons who cannot pay, or don't have the income.

We do not believe that persons who either have third party insurance or persons who are working and have the means to pay for a clinic visit ought to be given that service free. Moreover, in terms of the areas I have talked about, particularly in venereal disease, it is a communicable disease, but it is also controllable in the sense that if people use certain health prevention methods it will help.

We thought that that fee structure would discourage or at least make people think a little bit about what their health care habits are.

On the other hand, we would not refuse treatment to anyone who could not pay.

Senator SPECTER. So the fee requirement could be waived if there's a showing of inability to pay.

Mayor BARRY. It is not a strenuous requirement. If someone says, I just cannot pay you, they are going to get the treatment.

But we find a significant number of our citizens who use our services that upon examining either their income or other means of monetary income, they can pay.

Senator **Specter**. Is this requirement of need applied generally, then, to issues beyond which I just questioned you about?

Mayor **Barry**. Yes; we have a clinic fee payment program that is now under review by the District Council. I believe in a sliding scale fee structure for every service that is provided; again, not a strenuous means test. Most people who go to our clinics are not emergency cases. It is either a mother who goes for a physical checkup during pregnancy or someone goes in for other kinds of examinations. People who have emergencies go to the hospital. That is, if you are in pain you get taken to the hospital.

We think that is an equitable way to deal with it, particularly during these tight and tough times.

Mr. Chairman, also, as you recall, the whole idea of medicaid and medicare was an effort to put people who did not have income or sufficient income on the same health plane as those of us who do have income to go to our private physician, being treated as anybody else, and the Federal Government and local government paying the bill.

MOVING FROM DEPENDENCY TO INDEPENDENCY

But that is just a philosophy of my administration. We believe very strongly that we have to move people from dependency to independency. And you do not move people from dependency by continuing to allow those who are nondependent to act as though they are dependent.

That is true in our public housing. We have a program where we are going to try to get a significant number of people, as their income will allow, out of public housing and into some other subsidized housing, maybe section 8 or even into homeownership under the various housing assistance programs that we have.

So it is consistent with our philosophy. The same is true with our young people in our summer jobs program. The idea is to get them into the real world of work so that they can take care of themselves once they finish high school or go to college. It is a philosophical direction that we are moving in.

I know it is counter to some people's belief that the Government ought to just take care of everybody whether people can pay or not.

BALANCING THE FISCAL YEAR 1983 BUDGET

So that was one area that we were able to reduce significantly. The other area was just to tighten our budgets. We told people they have to live within their means. In terms of the revenue, we had projected about a $51 million revenue shortfall, but we have found that because of the slight upturn in the economy and because of some other factors, the gap was closed from $51 million to $23 million. So, it is a combination of expenditure reductions and revenue exceeding our original projections.

We are going to balance our 1983 budget. We have done that, Mr. Chairman; it has been painful, but we have done that and not had to have any reductions-in-force. In fact, we are hiring police officers and firefighters. The school system is hiring teachers, which is unlike most jurisdictions. Most jurisdictions are laying people off.

Senator SPECTER. Thank you very much for that explanation, Mayor Barry, and you may proceed with your prepared testimony.

COMMITMENT TO BALANCING FISCAL YEAR 1984 BUDGET

Mayor BARRY. Mr. Chairman, I gave you the background of fiscal years 1982 and 1983. Just to put it in context of fiscal year 1984, it is my commitment to balance the budget and my commitment to live within our means, regardless of how difficult that is or how painful that is.

Mr. Chairman, we have done that for the last 4 years since I have been Mayor without any major tax increases. Our property tax rate has remained the same. I sent the rate over last week; it is the same rate in fiscal year 1984 as in fiscal year 1983.

Our income tax rates have remained the same, I think, since 1976 in terms of the percentage. Obviously, inflation and growth bring in more money. We have done that because we think our citizens are basically among the highest taxed in this region. If we are to remain competitive both businesswise and peoplewise, we, in my view, cannot tax people out to the suburbs, that is out to Maryland and Virginia.

Now, I am not yet ready to say what I am going to do in fiscal year 1985. That is a different kind of problem. I have to get through fiscal year 1984 first, but I give you that just to show my commitment and dedication to sound fiscal policies; at the same time, providing the essential services to people who need them.

Our sanitation services are better now than ever before as you ride our streets and look at them. Our supercan is working. Our police department, as I said earlier, is up to 3,885 sworn officers, about 5 over the 3,880 number that we had agreed to for fiscal year 1983. Our firefighters are up to strength in terms of our fire department fighting fires. In fact, we just had a fire over the weekend at Bolling Air Force Base, a four-alarm fire, and the military officials commended us for being able to get there and put the fire out in record time.

In terms of our education system, as you probably know, I do not have direct control over it, but there is significant growth and development in that area. Our young people are fast catching up to the national norms in math and reading, particularly at the third-grade level and the sixth-grade level.

Mr. Chairman, we think that the service delivery in fiscal year 1983 is sufficient under these tough times to meet our needs, and we believe very strongly our fiscal year 1984 budget is sufficient. We have had to make some very difficult decisions in fiscal year 1984, again trying to move more of our population from dependency.

REDUCTION IN GENERAL PUBLIC ASSISTANCE PROGRAM

We propose a reduction in the general public assistance program.

This is a program where people who do not qualify for any other categorical programs can get help. They are supposed to be temporarily out of work and can go back to work. But we find we have people in this program 3, 4, and 5 years. My view is that if you can work, you ought to seek work; that does not mean you might not get the job you like or the job that you would want to have for the rest of your life, but you ought to try to work as opposed to being on general public assistance.

Mr. Chairman, we have also tried——

ENCOURAGING PEOPLE TO WORK AND TAKE JOBS

Senator SPECTER. What kinds of encouragement or enforcement is present on that, Mayor Barry, to see to it that as many people who are able to work actually do so without receiving public assistance?

Mayor BARRY. Mr. Chairman, we are working very closely with our Department of Employment Services. We have a number of decentralized centers which have job banks where jobs are listed and you can go in and on a microfiche look through 9 or 10 different jobs.

We have a centralized call-in system, since each of the centers has the same job bank information. This prevents three or four people from going to the same job thinking they are going to get the job.

Senator SPECTER. If you make a determination that a person is able to work and there is a job available for that person and that person declines to take the job, what is the consequence?

Mayor BARRY. Our general public assistance is separate now from our aid to families with dependent children. That is a separate program. The general public assistance is the District's own, 100 percent funded assistance program. I think we have in our budget $10 million of our own locally appropriated money.

If you are supposed to be medically disabled, and the physician in the case says you are no longer medically disabled and you go to seek a job and you will not take it, then you are no longer eligible for general public assistance.

Senator SPECTER. And suppose a person is not medically disabled, but there is no job available; is that person then eligible for general assistance?

Mayor BARRY. Mr. Chairman, there are some jobs available. They might not be the kinds of jobs that the person would be desirous of or would want to do, but we have some jobs available that meet the minimum wage standards and the safety and sanitary requirements.

Now, on the other hand, in the AFDC program, we have the WIN program, as you know; that is, people who are AFDC recipients have to enroll in the WIN program. The WIN program is a job training, job readiness, and job preparation program. We have been fairly successful in getting people out of the WIN program and working.

One of our disadvantages, Mr. Chairman, has been the Federal Government's new requirement of what is called deductibles. Prior to 1983 one could be an AFDC recipient and deduct a certain amount of income—if you were working—for child care, for travel, and for lunch, which would reduce the minimum income level to be eligible for AFDC.

The new rules, in my view, discourage people from working because you cannot now deduct travel, lunch, or child care, which means that a number of people elect not to work rather than lose their grant. I disagree with that approach, but that is the national direction.

INCREASING ECONOMIC DEVELOPMENT

Mr. Chairman, another part of our program in the District of Columbia is to increase economic development, that is, to keep businesses in the District of Columbia, and to attract businesses to the District of Columbia. We have been fairly successful in doing that. We have slowed the growth of the exodus of businesses from the District of Columbia. We are attracting businesses to the District. Our new design center at 4th and D Streets SW., is an example of that.

Right down the street at Massachusetts Avenue and almost at New Jersey Avenue, the Union Labor Life Insurance Co. building is going up. We have almost 4.5 million square feet of new space under construction.

The downtown is still growing and developing. Our neighborhood development program is beginning to take off. We have not yet achieved the goal we want to, but we are trying to develop our neighborhoods. Eighth Street, for instance, is undeveloped. We need to develop that. Some parts of 14th Street NW. are still undeveloped; Minnesota Avenue and Benning Road NE., 12th Street, NE., and some parts of Anacostia are also undeveloped.

But we are trying desperately to keep businesses here and keep jobs in the District of Columbia.

WHITEHURST FREEWAY

Senator SPECTER. Mr. Mayor, on the subject of economic development, what is the status of the development off of K Street in Georgetown, and before you answer, let me state my own potential conflict of interest, being a resident of that area, so that that interest is spread upon the record. It is not a technical conflict. It does not disqualify me, as I understand the law, and I have had some experience in this field.

But I do think it appropriate to tell you up front of my special interest. But I think there are a lot of people who are interested in that development. I am interested to know the status of it and as part of it, what you project happening to the Whitehurst Freeway. There have been a number of alternatives as to removing the overpass, having a street level road, and how you see that development coming.

Mayor BARRY. Mr. Chairman, we have a major study going, reviewing the Whitehurst Freeway, and there are three options that we are looking at.

One option is to maintain the present structure and redeck it because it is full of potholes. We refuse to put much money in it until we make a decision as to what we are going to do with it.

The other option is to tear it down and lower it. The third option is to tear it down and bring traffic down to street grade onto K Street.

Senator SPECTER. How does option two differ then from option three?

Mayor BARRY. The first option is to keep it as it is, and just redeck it.

Senator SPECTER. Yes.

Mayor BARRY. The second option is to tear down the present structure and build a new structure but at a lower level.

Senator SPECTER. Lower the structure but have it above street level?

Mayor BARRY. Above street level.

Senator SPECTER. How much above street level would alternative two be?

Mayor BARRY. It would be probably about half the height it is now.

Senator SPECTER. Would that leave room for cars to drive underneath?

Mayor BARRY. Absolutely. We have a number of problems because we have to take into consideration the fact that down where you live we do not want the Whitehurst lowered to a point where it blocks the view and blocks the scenic part of the river from those homeowners down there.

I think in the fall we will make a decision when the study is complete. Mr. Chairman, the study will probably recommend that we redeck the present Whitehurst Freeway, with some modifications. If you come across Key Bridge, it is a terrible configuration. So we want to redesign the traffic flow off of Key Bridge into sort of a semicloverleaf. It will bring it around L Street in a much more efficient way.

Also, that end of the Whitehurst Freeway needs to be redesigned so that traffic can come off of that down by George Washington.

Senator SPECTER. Are you saying that your inclination is to take alternative number one, which is to redeck or——

Mayor BARRY. That is what the preliminary study shows in terms of cost effectiveness. I think there is a difference of about $25 million between redecking and reconfiguring the entrance and exits of the Whitehurst Freeway and Key Bridge and tearing it down and reconstructing it. I think both of these options would cost us about $70 million to either redeck and the other would be another $20 or $25 million.

DEVELOPMENT OF GEORGETOWN WATERFRONT

Senator SPECTER. What is the view of the developers of that new mall or whatever it is that is going up there, if you know?

Mayor BARRY. Their views I have not seen yet, Mr. Chairman. You know, Western Development Corp. is going to develop the eastern end of the waterfront between the boathouse——

Senator SPECTER. When you say eastern, how far does that extend?

Mayor BARRY. Mr. Chairman, I just know where they are, but I do not know the streets. I proposed earlier in my fiscal year 1984 budget that the rest of the land down there where you have the trash trucks, the salt pile, and the other eyesores on the waterfront, be cleaned and made into a park.

The Georgetown Citizens Association opposed that $2.3 million in our capital budget that we wanted to spend for the park. Since they opposed the city to make it into a park, I asked the Council to take that $2.3 million and fund other capital improvements projects.

Senator SPECTER. What does that association want to have done with that land?

Mayor BARRY. Mr. Chairman, I do not know. I have been searching to try to find out. They want a park, but they want the Park Service to own the park and to manage the park. The Park Service says it does not have the money nor the interest in acquiring more land. In fact, the Department of the Interior's position is to get rid of parkland and not get more parkland.

The citizens' view is the National Park Service ought to take over that land and the District ought to donate it to them, which we are willing to do. But since the National Park Service does not want the land and they do not have the money to make a park, we were going to do it ourselves.

It appears as though that eyesore is going to be down there for some time to come, unfortunately. Let me also say, Mr. Chairman, that is not atypical of our community. Some 20 years ago when the Metro discussions were going on about putting in a Metro stop in Georgetown, there was great opposition to it.

But now as I go to Georgetown, almost invariably you find the same people who were opposed some 20 years ago now saying, Mr. Mayor, when can we get our Metro stop. It is in Rosslyn. So I guess over time we will have a park on our waterfront.

Senator SPECTER. Well, if a park is not put there, you are saying you do not know what use the land will be put to.

Mayor BARRY. It is going to stay as it is now with those horrible trash trucks parked down there. We did move our automobile impoundment lot from down there and put it over in Brentwood in Northeast Washington.

PUBLIC HEARINGS ON WHITEHURST FREEWAY

Senator SPECTER. How do you make a determination, Mayor Barry, as to which of the alternatives you will follow for the expressway? Are there public hearings that you hold in the area? Or what procedures are followed?

Mayor BARRY. There are several procedures, Mr. Chairman. One, the consultants who are doing the study, are doing probably one of their most extensive outreach programs ever. They started as far up as Palisades, the Palisades Citizens Association, the Foxhall Road Citizens Association, down to the Georgetown Citizens Association, the Georgetown Business and Professional Association, the George Washington University Citizens, and the Foggy Bottom Civic Association. They are having an extensive public dialogue on all these options and getting input from the public.

I suspect that once they make their recommendations to the District, we will then go out and have our own public dialogue so we can hear for ourselves what the public wants.

Senator SPECTER. You think there will be a public hearing at that point with people having an opportunity to express themselves?

Mayor BARRY. Yes, absolutely. Even though they have had discussion and dialogue with the consultants, once they make their presentation, draw their maps, and all the schematics, we are going to take that back to the public as a government and ask for reaction and input. Then we will make the final decision after that input is complete.

Mr. Chairman, let me just basically conclude by saying that cities around the land, across the Nation, are having difficult times. Our Federal funds have been reduced by some $50 million over 1982. But even with all of that, we think we still have a very efficient and compassionate government providing help to those who need it.

Mr. Chairman, we also believe that our work force is better trained now, and we are doing more with less people. If you look at the employment numbers, through attrition and through retirement and some other programs, our work force is down from fiscal year 1981 and fiscal year 1982, but our service delivery is up. We believe we are getting more out of our employees. We have a 3-year labor contract with our public employee unions, and 98 percent of those who are eligible to be organized are organized into unions.

PAY OF FEDERAL VERSUS DISTRICT EMPLOYEES

Senator SPECTER. Mr. Mayor, on that subject, there is, as I understand it, a projected 7-percent increase for the District of Columbia employees, and you are working under a contract, which, as I understand it, provides for a 6- to 8-percent increase. The matter is not yet resolved as to what will happen to Federal employees otherwise, because the budget resolution has not been passed and we do not know precisely what the shape and contour will be, but it appears that there will be no increase for Federal workers from October 1 until January 1, and that from January 1, 1984 Federal employees may be limited to a 4-percent increase.

The question arises as to whether the District of Columbia employees should be treated differently from the Federal employees.

And I would be interested in your observation on that.

Mayor BARRY. Mr. Chairman, we maintain that the D.C. government is an independent government, even though it is tied to the Federal system in terms of our retirement program. We have an independent merit personnel law which was authorized by the Home Rule Charter to enable the District to fashion its own personnel system independent of the Federal Government's system as other local jurisdictions can do.

We did that. I think it was in fiscal year 1980. A few years back, the Federal employees received an increase of 7 percent. The D.C. employees received an increase of 5 percent. The unions took the District to court, indicating that we had violated the rights of the employees who were on board prior to the transfer from the Federal system to the District's merit personnel system, and, therefore, that their pay should parallel the Federal Government's pay.

We disagreed with that. We defended that position in court. The lower court upheld our position. The Court of Appeals upheld our position. And the Supreme Court refused to consider the case. So I think we have clearly established that we are an independent personnel system able to negotiate with our unions and our nonunion employees. I have the authority to send to the Council by September 1 each year my proposed pay plan for employees. It is an independent system. I think it ought to be.

DISCRETION OF PAY INCREASE RATES

Senator SPECTER. Well, you have the discretion, though, of making it 6 percent or 6.1 percent, or anything up to 8 percent under the contract?

Mayor BARRY. It is a combination of agreements because we have 14 different unions, and each negotiates. We try to keep everybody in the same ballpark so we do not have different employees doing similar jobs getting different pay increases. The teachers will get an 8-percent pay increase; that is what they negotiated. Fire and police will get 6 percent, and the others 7 percent.

Senator SPECTER. So, what you are saying is that there are precise figures already agreed to, and there's no discretion to make any modification of that, as you see the law?

Mayor BARRY. Not with our unionized employees; that is part of our contract for 1984.

NUMBER OF NONUNION EMPLOYEES

Senator SPECTER. Are there any employees not covered by those contracts?

Mayor BARRY. Yes; about 7,000.

Senator SPECTER. Out of a total of how many?

Mayor BARRY. Out of about a little more than 30,000 or 31,000.

DISCRETION OVER NONUNION EMPLOYEES

Senator SPECTER. And as to those 7,000, what discretion do you have, if any?

Mayor BARRY. I have complete discretion, but I also have a philosophy of comparability. If you have a DS–7 secretary who works in the Department of Environmental Services and it is part of the union agreement to get a 7-percent cost-of-living increase, and if you have a nonunion DS–7 secretary working in the Department of Finance and Revenue or the Office of Financial Management which is not unionized and is not eligible to be unionized, I think those two employees ought to get the same increase. More than likely when I send my pay proposal for nonunion employees to the Council in September, it will probably parallel what other employees are getting.

KEEPING THE WORK FORCE HAPPY

Mr. Chairman, we are requiring, with the exception of about five agencies, that the agencies basically absorb this increase through attrition, through reprioritizing programs, and through a series of other efforts. That is one way we were able to balance this budget. Most agencies had to absorb this increase. The only exceptions, as I recall, would be the Fire, Police, and Corrections Departments and the courts.

And that is the kind of sacrifice we are making. We believe that employees would rather have jobs and also have an increase, even if it means more work for them because of attrition programs, than not to have any increase and keep the same number of people working.

And again it is a difficult decision, but we have to do that.

Mr. Chairman, let me also say that my feeling about pay is that when you have a happy work force or somewhat happy work force, you get more out of them. If you have people unhappy, they will be discourteous to people; they will be lackadaisical about their work. And from a political point of view, it is not healthy. From a taxpayer's point of view, it is not healthy.

And so I believe that if you have peace in the work force our city is better off. We have not had any strikes in our city as you have had around the country. We have not had any disruption of services.

About 6 weeks ago I was on a channel 4 TV program, and two broadcasters indicated that they had not seen any change in the attitudes of employees. I said I didn't believe that, to call around the government, pick any number they wanted to. They made 50 calls, and they were to get back to me Tuesday with a live interview as to what their results were.

Mr. Chairman, I am happy to report that they were amazed that out of the 50 calls they got 50 courteous, compassionate, and knowledgeable people. I thought it would be a little bit less than that, but I was happy to know that that happened.

Senator SPECTER. Very impressive.

Mayor BARRY. Mr. Chairman, that is the end of my overall comments. I am prepared to answer any questions you may have. I have seen some of the questions, so we can try to get into some of your concerns.

REHABILITATION PROGRAMS AT LORTON

Mr. Chairman, let me also just add another point, just for the record. As we were touring Lorton on Monday, we talked about rehabilitation. Even though the budget of the Department of Corrections does not focus on that aspect, just for the record, I would like to support that thrust. Hopefully before this committee marks up, we can get some information to you and some numbers to you as to how we can begin to look at some start in this area where people who are in Lorton, which is our State penitentiary, won't leave the same way they came, in some instances, not reading, not writing, and not counting, and not being able to survive in this society legally. I support your efforts in that area. I would like to work very closely with you in trying to achieve some results and to make the District of Columbia system, as you have proposed, a model for the rest of the country because prisons are overcrowded. Crime, generally speaking, in most areas is up. We have almost 8,000 people incarcerated, as I discussed with you, from the District of Columbia.

And we want to work with you on that. I want to commend you for your foresight in this area and talking to us about it and trying to work out some joint efforts.

As I have indicated privately—I will just say publicly—whatever we do in that area I hope will be done as a special Federal appropriation to try to see if this would work. If it does, I think it would be instructive for the rest of the country.

Too many of our young men and women who come into our prisons, unfortunately, leave the same way they come, in fact, in some instances worse because they have become hardened by prison life. We ought to be able to, as you have indicated, look at the job areas where there is a possibility of a job, and tailor our training programs to get people ready for these jobs.

Also, Mr. Chairman, I have checked the other issue we talked about of whether or not we can require people to take training. Our preliminary finding is that we can do that. If we cannot do it directly, we can do it indirectly by making it a condition for parole. That is, we can look at what training an inmate took while incarcerated and whether or not the inmate actively worked to be trained or just went to classes.

I have been very impressed by our conversation Monday.

BASIC AND MARKETABLE SKILLS FOR LORTON INMATES

Senator SPECTER. Mayor Barry, I do have a number of questions.

But let me move to the subject of crime and corrections now since you have made some preliminary comments. And I do think it very important that steps be taken to strengthen the correctional system in the District, and as you and I have talked when we visited Lorton, we see eye to eye on the subject.

I have long felt that it is no surprise that convicts return to a life of crime when they are released from correctional institutions as functional illiterates without a trade or a skill. And the very basic prerequisite, in my judgment, is that those who are released be literate; that is, able to read and write and have some marketable skill.

I have introduced legislation on the Federal level, both in the 97th Congress and in the 98th Congress, on that subject in connection with my role on the Judiciary Committee. And having an opportunity to have some impact on the District of Columbia budget, it is my thought, as I had expressed to you privately, that I would like to see us structure some program for corrections where that could be achieved in the District of Columbia.

And I understand the budget limitations and it would be my hope to try to find some supplemental funding on this subject. Whether that is possible depends on the full subcommittee and the full Appropriations Committee and the Congress.

But I think that it is long past due to make a national effort to achieve that basic requirement of people being released not as functional illiterates and with a trade or a skill. So that is a starting point. And toward that end, my staff is working and I know your staff is as well, and we will coordinate to try to make some determination as to how many illiterates are released from the D.C. correctional system and how many need instruction on reading and writing and what that will cost.

And that is question one, which I know our staffs talked about. And I would like to move ahead to try to make some determination of that.

And the second question would be: What are marketable skills in this area and what would it cost us to have basic training for those marketable skills? And I think we should move ahead on that.

Another subject is the problem of overcrowding of the detention center. And I commend you and the corrections department on what I saw on the information at Lorton that you are not overcrowded there. You have managed that carefully to maintain the guidelines.

OVERCROWDING AND THE NEED FOR MORE JUDGES

You and I have discussed the figures privately as to the overcrowding in the detention center, and it would be my hope that we might be able to find some Federal facilities in the District where some of that overcrowding could be relieved, perhaps in a minimum security arrangement, and we are in the process of looking into that at the present time.

Another subject which is worth a moment or two of our discussion is the judicial system and the problems which are presented, as disclosed by a hearing which this subcommittee held in April, which disclosed that the backlog in the judicial system was at an alltime high. Judge Moultrie testified that there is a need for seven additional judges.

I know from your prepared text, which I have read carefully, that you are of the opinion that as much allocation has been made to the judicial system as possible. And I do not know, Mr. Mayor, where anything could be cut to add more money to the judicial system in your existing budget. But I would be interested in your general view as to the kind of delays which are present in the judicial system. There are, I am told, many cases where people have been in custody for more than 1 year, for example, for a variety of reasons, and ultimately discharged.

That raises the question of basic constitutional rights. There are also cases where people are at liberty and are charged with other serious felonies while at liberty, which is the other side of the picture in terms of law enforcement. And I would be interested in your reaction as to where we are to go on that backlog and the needs which the Chief Judge has expressed asking for seven more judges.

Mayor BARRY. Mr. Chairman, I think we should not and cannot take the request for judges in isolation. My view is to try to look at a comprehensive way of trying to decide what type of people ought to be in the court system, what type of people ought to be diverted from that system into community diversion programs and other kinds of nonincarcerated areas, what kinds of people ought to be held on bond, and those who should not. I come down on the side of violence and nonviolence. I am opposed to any crime being committed against anybody in this society.

But you have to choose how you handle these cases. I think the criminal justice system ought to focus on repeat offenders, career criminals, those who commit what would be described as violent crimes, crimes against persons, crimes with weapons, guns and knives and any other dangerous weapons. Those who are in the nonviolent, misdemeanor category, particularly first or second offense, ought to be looked at individually, that is, you have to take each case individually, but you ought to have a goal to do that.

SUFFICIENT DIVERSION PROGRAMS

Senator **SPECTER**. Mr. Mayor, do you have a sense that there is not sufficient diversion in the court system today?

Mayor **BARRY**. I do not think so, Mr. Chairman. I do not have the exact numbers, but I do know that a significant number of people who are incarcerated at the jail are misdemeanors. Now, there is a feeling among some that unless you stop this now; you know, you find somebody shoplifting or someone who takes a camera, takes a tape deck, et cetera, gets caught——

Senator **SPECTER**. Mr. Mayor, that is a subject that you and I discussed, and I would appreciate it if—and I know you intend to do this, but we might just say it for the record, our prior private discussion—that you intend to pursue that and try to get a profile, because if that is true, your sense of it as verified by the statistics, that is something which ought to result in some action.

But we would really have to know more about that.

Mayor **BARRY**. Mr. Chairman, I had indicated to you—and I am going to have a meeting tomorrow with our people—that I would get a profile of the 2,300 people that are at the D.C. Detention Center.

I get the sense that a large number of people are there because they have bond problems, too. So you have a combination of problems.

ADDITIONAL JUDGES FOR THE COURTS

Mr. Chairman, in terms of the judges, let me just say that in the court's presentation to me there was no request for additional judges. As you know, I transmit the court's budget and my recommendation to the Council. Since I have been mayor we have been able to support most of their request. They do not agree fully, but they have basically supported the request we have sent over to the Council even though that request in some instances is lower than what they have asked for. In their fiscal year 1984 request, they did not request seven judges. It was not part of their request.

Senator **SPECTER**. They did not ask for seven additional judges?

Mayor **BARRY**. That is right, at the time of the budget submission. That does not mean that they do not need them; it means ~~they did not~~ request them.

Mr. Chairman, we have supported three hearing commissioners, which would free up three judges to do their work. My view would be if the courts were desirous of additional judges, quite frankly, I think they ought to make some recommendation within their present level of appropriations and reduce some other expenditures as I have to do. I have to make choices. If I want more health nurses, I have to reduce something else. If I want more police officers, I have to reduce something else. I think the judges and the courts ought to be required to do the same thing.

But at the same time, I think this comprehensive view ought to be looked at. Judge Moultrie has participated in these dialogues and he wants to do that with the police and corrections departments, with the U.S. attorney's office, with the Public Defender Service, and with the Bail Agency. It has not been as vigorous as I think it should be, in trying to figure out how to prevent crime, but once it happens, who then ought to be incarcerated. That has not been done to my satisfaction.

TRIALS WITHIN 180 DAYS OF ARREST

Senator **SPECTER**. Mr. Mayor, some jurisdictions—Pennsylvania, for example—have a rule which requires that everybody be brought to trial within 180 days. And that is to impose a discipline on the court system. That rule most probably could be instituted by the judicial system itself by the D.C. Court of Appeals. Or it might be legislated, perhaps by the Congress, perhaps by the District Council.

What would your view be on having a requirement that all criminal cases be brought to trial within a 180-day period from arrest?

Mayor **BARRY**. Mr. Chairman, I have discussed this with my Corporation Counsel and others. We do not have a firm view on it. I suspect when you do that the courts are going to say that if you look at our caseload and look at these long trials that we are having and the caseload of each judge, we would need many more than seven judges.

But I think it is something we ought to look at. I really think that people who are arrested ought to be brought to justice quickly. They should not have to be incarcerated or even free on bond without some adjudication in a reasonable time. But we do not have a firm view on it at this time. We are still looking at whether or not 180 days is a good number or some other number.

But I do think there ought to be some pressure put to get these cases tried. As it is with pretrial——

Senator **SPECTER**. Detention?

Mayor **BARRY**. Detention where you——

Senator **SPECTER**. Preventive detention.

Mayor **BARRY**. Preventive detention where there is a limit on the days that you have to bring people to court.

Senator **SPECTER**. I would be interested, Mr. Mayor, in your ultimate view on that, if you could take a look at that, because I think that it is right around the corner for the District of Columbia. And I would be interested. I am sure that the full subcommittee and committee would be interested in your views as the chief executive officer of the city.

Mayor **BARRY**. Mr. Chairman, philosophically I would agree as to the philosophy. The question is what is a good time. People who are victims of crime complain that it takes forever to get into court and get people either found guilty or not guilty. I know it affects our overtime with our police officers. They go to court two or three times. So it is a subject we would really like to look at.

I just do not have a view at this time. I agree conceptually that that is something we ought to try to move toward, a specific time when everybody has to be out of the court system.

EFFICIENCY OF THE PAROLE BOARD

Senator SPECTER. Mr. Mayor, what is your view as to the adequacy, efficiency of the parole board as it is functioning at the present time? That is a subject which has been suggested as a possible hearing for this subcommittee, and I would be interested in your view of that subject.

Mayor BARRY. Mr. Chairman, we have a three-person parole board in the District of Columbia. I appoint the three people. The terms are 6 years in office. The present chairman, Ms. Just, was one of my appointees.

I have two coming up this year. It is a full-time job in terms of the parole board members. They have a 19- or 20-person staff.

I think the parole system in the District is working fairly well in the sense that we have an indeterminant sentencing structure, 5 to 15, 15 years to life. They have been very careful in their review of who gets out on parole and who does not.

One of the requirements for parole is that you have meaningful employment. I am not at all happy that all the people who are out are actually working. They ought to work. I think they work periodically and they work just enough to satisfy the parole officer that they are doing something. I think they ought to be working full time, 40 hours a week.

DISTRICT INMATES IN FEDERAL PRISONS

One of the problems with our parole system, as you probably know, is those residents of the District of Columbia who are sent to Federal institutions for non-Federal crimes. The Superior Court judges can send people to Federal prisons. There are about 1,200 such persons. Those category of people come under the purview of the Federal parole system even though they are technically D.C. prisoners and even though we pay a per diem per person. They go through another process. There is a view which I support that all D.C. residents tried in Superior Court, wherever they are incarcerated, whether it is a Federal institution or State institution, ought to come under the same standards for parole and not have a bifurcated system.

That is particularly true of our women. We do not have a women's penitentiary operated by the D.C. government. The women who commit State-related crimes are sent to Alderson, which is a Federal institution. We pay the per diem there. And all those women come under the Federal parole system. And the other almost 1,200 men throughout the country come under the Federal system.

There is a view by some that parole is one way of trying to, one, depopulate, and two, to regulate and monitor the activities of people. If you have 10 years facing you, I think it is going to have some impact on your actions once you get out.

That is why I oppose facts innocent. I mean, philosophically I oppose facts innocent, because it does not give you any incentive; it does not give you anything. And people say, I have 10 years, so I will just do anything I want to do for 10 years in jail, as opposed to I have 5 to 15, and I will do all I can the first 5 to demonstrate to the parole board that I am a responsible person. But if I go out and do not act responsibly, I have 10 years backup facing me.

STREETLIGHTING ISSUE

Senator SPECTER. Mr. Mayor, turning to another subject. On the question of some $12 million in streetlighting and traffic signal electric charges where there has been a complaint lodged, according to testimony last week from Potomac Electric Power Co. tendered through Alan Kirk, their general counsel and senior vice president; I had asked you about this informally when we were on the way back from Lorton, and I think it would be useful to have on the record the projection and planning of the city on this issue.

Mayor BARRY. Mr. Chairman, the District believes that this is a creative, innovative proposal. It is the lesser of two evils in the sense that either we have to raise taxes directly to get $12 million or reduce our budget by $12 million. We thought we had gone as far as we could. Last Thursday we filed a petition before the Public Service Commission. I would urge the committee to support the direction of the House in the sense that however this comes out, it is going to be litigated in court. If the Public Service Commission (PSC) rules in our favor, I am sure that Pepco will go to court. If it rules against us, we will go to court. Our view is that while this is going on, the city will be committed to continue to pay the streetlighting bills to Pepco. There is both a maintenance charge and an electrical charge. If it appears after 5 or 6 months that this decision will be made in fiscal year 1984, I am prepared to submit a supplemental budget, which would take the budget authority of the Department of Transportation up $12 million.

And I would urge the committee to let us do it that way, which satisfies everybody's concerns. It satisfies the concern of paying Pepco. It allows us to try this innovative and creative proposal. I must admit it is a creative, innovative, and controversial method of financing our budget.

Senator SPECTER. So that the city will pay Pepco on a current basis, and if the city is able to make this stand up in court, then that will be the relief the city looks for in accordance with established legal principles on the judicial decision.

Mayor BARRY. Yes; it will be.

Senator SPECTER. Well, I think that is a very sensible way, Mr. Mayor.

Mayor BARRY. The decision of the PSC is appealable to the court, and we think that ought to be the process that we ought to use here.

Senator SPECTER. Well, that would accommodate Pepco's interest because Pepco would then be paid, and if you can win your case in court, more power to you.

Mayor BARRY. Well, we hope we win and we are going to work very hard.

Senator SPECTER. No pun intended on power. [Laughter.]

Mayor BARRY. But our streetlights are going to be on and we are going to pay our bills.

GENERAL FUND DEFICIT

Senator SPECTER. Very good. Turning to the subject of finances, Mr. Mayor, earlier this year you proposed, as I understand it, a financial plan to eliminate the District's accumulated deficit in the next decade.

And as a part of that plan you proposed a matching Federal share of the District's annual setaside and sale of general obligation bonds.

As I have considered that, I have some concern about the sale of bonds as to how that will affect the city's ability to enter into the capital bond market generally beyond any current needs which you may have.

Mayor BARRY. Mr. Chairman, we have been wrestling with this problem. Let me just say that the deficit was created jointly by the Federal Government and the D.C. government. It is a 10-year problem. It started long before home rule. Our view has been that we will take responsibility for that part of the deficit that occurred since home rule, and the Federal Government ought to take its share of responsibility for that which occurred before home rule.

That is why we proposed a three-part program; that is, the District government over the next 10 years would contribute $100 million from our own budget process as we are doing here. It may vary from year to year, but $100 million over the next 10 years; sometimes $5 million, sometimes $20 million, depending on what the budget could stand.

The Federal Government would match that dollar for dollar, $100 million from us, $100 million from the Federal Government.

Our financial advisers, Lazard Freres, are among the best in the country. They advised us that we would have a reasonable chance of getting a $100 million bond issue sold, given the history of our government of repaying its debts to the Treasury on time. Every year since I have been Mayor we pay our capital payments on time. We repay our short-term borrowings from the Treasury on time. With the sense that we would pledge the full faith and credit of the D.C. government behind our efforts, we could get a marketable bond rating. That is their advice to us.

Senator SPECTER. You do not think that would have any harmful effect on your ability to enter the bond market at a later time if you need extra capital?

Mayor BARRY. We do not think so. We think it is going to be difficult, obviously, because we have not been there before. But there are several factors that bond raters look at, and it is the financial adviser's view that if we can clear up the deficit through this three prong approach, that would make it easier for us to get into the bond market on our regular capital borrowing. As long as we have a $296 million deficit on the books, that makes it more difficult to go to the bond market for just normal capital borrowings.

That is why we would like to get this taken care of so when we go to the bond market, which we would like to do in fiscal year 1985, there was a plan to retire the deficit. What bond raters and bond buyers want to know: Is my money protected? Is there a plan to solve whatever the problem is? I think that once you have a plan that people can see and believe in and hold you accountable to, the bond buyers will be more secure.

Another advantage, Mr. Chairman, we believe about our own bonds is that our preliminary reading of this is that our bonds would be similar to the ones in Puerto Rico where they would be tax exempt in all 50 States. This ought to be an inducement to bond buyers to buy our bonds over other people's bonds, because in most jurisdictions, as you know, States tax other States' bonds, but not their own.

So we think we have some advantages. We were wrestling with this problem, trying to find a solution that we thought everybody could buy into. And we believe that this is another creative way of trying to solve a very difficult problem.

UNIDENTIFIED SAVINGS IN FISCAL YEAR 1983 SUPPLEMENTAL

Senator SPECTER. Mr. Mayor, we are about to go into conference with the House of Representatives on the fiscal year 1983 supplement for the District, and the city's proposal calls for $15 million of unidentified savings.

Mr. Mayor, where do you anticipate that those savings will come from?

Mayor BARRY. Mr. Chairman, we had a choice of putting in our financial plan a desire not to set aside the $20 million to retire the deficit, retirement reductions, or more expenditure reductions.

Mr. Hill, who is our Deputy Mayor for Financial Management is here with me. Our basic thrust is to review each agency. We have had a very strenuous hiring freeze in the sense that we have made sure that agencies do not just hire people on the payroll without careful scrutiny of whether or not it is a necessary position.

Second, Mr. Chairman, we find that in some agencies during this time of the year, they look at their unobligated authority, and will start purchasing items that would be desirable but they could do without. Because of the sophistication of our financial management system, we are going to deobligate a number of items. We are going to go agency by agency and say, look, you do not need this desk or you do not need this item. You cannot fill this position. We believe that this will achieve that result in the next 4 months.

We have already started doing that, and we are seeing signs of success in these agencies. The agencies that we cannot do that with—three of them—are the courts, the public schools, and the university.

LOTTERY BOARD CONTROVERSY

Senator SPECTER. Mr. Mayor, moving to another subject, there has been some controversy involving the contract for the District's daily lottery game, and I do not want to get deeply involved about the merits or demerits of the matter since the board is not here to be heard.

But the subcommittee is interested in what this delay has meant in terms of revenues, both this year and projections for the future.

Mayor BARRY. Mr. Chairman, in terms of the future, we believe that we are going to be able to meet our current estimate of $42 million, $42.5 million in fiscal year 1984. There is a view that as of October 1, the District will continue to operate our instant lottery game and we will have our online daily lottery game operational.

In terms of fiscal year 1983, we had an original estimate of $26 million. We revised that even before the controversy about the online game because this was the first year of the instant game, and our experience factor was not as good as some of our other experience factors in estimating. We revised that in our supplemental between $3 million——

Senator SPECTER. When do you expect this controversy on the lottery issue to be resolved, if you have an expectation?

Mayor BARRY. Mr. Chairman, I tell you, I wish it had been resolved 2 or 3 months ago, because I have spent more time on this subject than I have spent on a lot of other subjects.

But I think we are on our way. I get the impression that the board voted last week on a contract that appears on the surface to be much tighter, much more in line with the D.C. government's procurement regulations and laws than the last one. I expect a protest to be filed. That always is the case in these situations. But the board now has some procedures for handling protests which they did not have at first. And I do not think we are going to have the long litigation that we had earlier.

Mr. Chairman, let me just say that I got into this whole discussion with the lottery board because I want every agency, whether it calls itself independent or not, to follow the rules and regulations and laws of the D.C. government. The lottery board is an entity of the D.C. government.

It is part of our personnel system, which means they have to follow those rules and regulations. They have to follow our procurement system. In my view, they are beginning to do that. And I think the controversy is going to subside. It will arise again when I send the names to the Council of the persons I want to appoint to the vacant seats of the two people whose terms are ending. So when I do that you will hear about this subject again.

But it is normal, I think, in the first year of operations that around the country you have various kinds of controversies.

But let me say, Mr. Chairman, our lottery is probably, with all the controversy which is going on, the least infiltrated by undesirable—when I say undesirable, I mean people who are involved in illegal activities somewhere else, infiltrating these lotteries—than anywhere in the country.

What we have had is a policy dispute as opposed to a dispute as to whether or not somebody is taking the city for a ride.

TRANSFER OF ST. ELIZABETHS HOSPITAL

Senator SPECTER. Mr. Mayor, the Department of Health and Human Services has once again proposed that a private corporation operate St. Elizabeths Hospital. What are your views on that plan?

Mayor BARRY. Mr. Chairman, we generally support that direction. We have submitted a proposal to them which we are discussing to have a nine-person board, I would say to some extent patterned after the TVA. Our difference with the Federal Government in this matter is the timing and the length of time and who ought to pay.

We are opposed to the immediate transfer of St. Elizabeths to the District. There are labor contracts that were made out there that we were not a party to. There are a large number of Federal employees who do not want to be transferred to the District.

So we think we ought to have a 10-year program whereby the Federal Government will assume its share of the responsibility and the District will assume its share. That will be the configuration that comes out of this. We would urge the committee to support the cap on the amount of payment the District would pay to St. Elizabeths. The House has already done so. And we urge that the Federal Government take into consideration that there is no way the District government can assume the full cost of this facility immediately and cannot even assume it in the very near future.

We believe that St. Elizabeths again can be used as a model of proper and high standard mental health treatment. We have the National Institutes of Health located here. We believe again that we ought to use this facility as a way of looking at every possible way to cure or to help those who are mentally ill, and again it ought to be a model for the Nation. The Federal Government ought to participate in the funding of it.

HOMELESS SHELTER PROGRAM

Senator SPECTER. Mr. Mayor, on the subject of city shelters for the homeless, this subcommittee had a hearing on that subject, and it is a matter of continuing concern. I know you are concerned about it. We have been advised that the city shelters have been crowded, as crowded this spring as they were last winter.

And there have been some concerns expressed about unhealthy conditions at some of the shelters. And we would be interested in your project as to how the District of Columbia will be able to handle those shelters and the homeless, both as to the summer and the projected winter of 1983–84.

Mayor BARRY. Mr. Chairman, we are experiencing an unusually high number of persons who need emergency shelter, both families and nonfamilies. During the winter and during the early part of the spring all of our family shelters were bulging over: Pitts Hotel, Parkside, Community of Hope, and Capitol City Inn.

And our nonfamily shelters, which are primarily Blair, Pierce, and Bundy School for men, had empty spaces, but they were almost filled to capacity. Our women's shelters, My Sister's Place, House of Ruth, some of the private shelters, Salvation Army, the Gospel Mission, St. Benedict House, and other places were almost bulging over. We are now able to keep open our Blair and Pierce School shelters for the summer because of the commitment of the Council of Churches to raise some of the money.

And we are taking our emergency jobs bill funds to supplement the Council of Churches funds to keep them open. Mr. Chairman, it is a serious problem, but in my view it is managed now. I have visited Blair and Pierce Schools on several occasions. Of course, those facilities are not palaces. They are not palacial homes, but they are safe and sanitary. There are showers there. Obviously, the men have to sleep on bunks.

There are some in the city who would not want us to require that the men who go to these places take a shower and get deliced. I disagree with that view. I think everyone who goes there every night ought to be required to take a shower, and a number of men who come do come with lice. And they do transfer those lice to other people.

And the food—and I have eaten the food myself—is wholesome. Again, it is not a 16-ounce sirloin, a New York strip, but it is wholesome.

I think we have handled the problem much better than most people have around the country. And we are not happy as long as there are people out on grates and other places, but we have tried to go and pick people up off those grates. I have done it personally in several instances. And because of either psychological or emotional problems, they will not leave. And you are going to see them in the summertime and the wintertime on those grates. Unfortunately it looks bad for our city. It looks bad for the Nation's capital to have people on grates. But I think we have done all we can to get them off.

There are some people who advocate that we ought to have the power to physically pick them up and put them somewhere. I am not sure that is the solution either.

MERIT PAY FOR TEACHERS

Senator SPECTER. Mr. Mayor, last week Mr. William Simons of the Washington Teachers' Union was testifying and the subject arose as to the evaluation of teachers and the fairness of the evaluation system. And that led to a question about a merit pay proposal. And I would be interested in your thinking on the adequacy of the teacher evaluation proposal. What might be done to improve it, and if such an evaluation proposal can achieve fairness, whether that would be an appropriate basis for merit pay for teachers.

Mayor BARRY. Mr. Chairman, let me say that I think the teaching investment is a loss to the Nation, in a sense, a brain drain in the sense that some of our brightest and best minds are now not going to teach. I think they are going into other areas, and our teachers are generally underpaid, relatively speaking.

There are others in the society who prepare themselves to be other professionals, but it does not take the money and the time to do so.

What bothers me about the discussion about merit pay is how does it work? Who decides who is a good teacher and who is not a good teacher. What bothers me is that if you teach in the inner-city school where young people come to school with a myriad of problems, single parent households, a value system that may be a little bit different than our value system, home conditions that are not conducive to study, and contrast that with my family or another family where the conditions are somewhat different; how do you evaluate who is a good teacher and who is not? I think it is a subject that we will discuss with teachers, the community, and others as to how we do it.

Senator SPECTER. If you can make a determination which is fair as to evaluation, taking into account the differences in students, as you articulate, do you think there is some ultimate merit in trying to look to compensation based upon proficiency of the teachers?

Mayor BARRY. I think we ought to look at that. I favor probably a direction which would be in the line of what one would call a master teacher. I think that is probably an easier process.

Senator SPECTER. But the master teacher would be a determination of qualification to achieve that status and then pay would be higher for someone who had achieved the master teacher status compared with someone who had not?

Mayor BARRY. I think this is the direction that we ought to look at, Mr. Chairman. There are some who say, well, you ought to have a peer group evaluation and your peers decide who ought to get better pay. I am not sure that ought to be a popularity contest.

I think that you can probably design a system to arrive at a fair way of determining a master teacher program than you can in developing a merit pay program.

I think master teachers ought to be encouraged. In fact, Mr. Chairman, part of the problem in this country is that good teachers are taken out of the classroom and go into administration, not necessarily because they want to but because there is more pay there. You find an assistant superintendent or regional superintendent or a curriculum special supervisor making more than the classroom teacher.

I think we ought to put the emphasis on the classroom teacher. That is where formal learning takes place most of the time. As I said earlier, the merit pay has so many unknowns to me. Obviously, we need to do something to encourage good teachers to stay. Unfortunately in this country it is money that helps to do that from time to time. There ought to be some way to differentiate between those teachers who are really cutting the mustard and doing everything they can to help our young people to survive and achieve and reward them through some pay system, than those who are not.

But I think in general, across the board, teachers in this country, relative to other professions, are underpaid.

CLOSING REMARKS

Senator SPECTER. Mayor Barry, thank you very much for your testimony. You covered quite a wide range of subjects today. It is very helpful to me personally. I think it will be to the subcommittee overall and to the committee. And your responses, obviously, reflect a great deal of thought and care and study that you bring to the office. And there are still some areas that we will have to work on together, and I am pleased to be a party to that process.

Mayor BARRY. Mr. Chairman, let me thank you for your time and attention to this subcommittee. As you know, in the scheme of things in life, the Subcommittee for the District of Columbia is not viewed as the optimum place to spend your time. But you have taken it on, and we certainly appreciate your taking time, your keen interest in it, your understanding of the problems of our city, and I assume some of that understanding came from your wife who is on the city council in Philadelphia. She keeps you abreast of the problems of the cities.

Senator Specter. Yes; she certainly does. She has a substantial working knowledge of these problems. She keeps me abreast of quite a lot besides.

PRAISING SENATOR SPECTER

Mayor Barry. But you came with a lot, too, because you were in a city, and it makes a big difference, Mr. Chairman, to have lived and worked in an urban environment, understanding all the nuances of it. As I said to Senator D'Amato when he was chairman of this committee, he brought again an understanding of cities and urban life, and it makes a big difference as to where you have been as to where you may go in this whole area.

So I wanted to express on behalf of the executive branch of government our appreciation. That does not mean we will not have differences from time to time on a particular subject, but I have found that when you have a concern you pick up the telephone and you discuss it. We appreciate that. Also, Mr. Chairman, I would hope that we would not have a need to have this subcommittee, that the District could manage its own fiscal affairs without the need for the oversight. But as long as we have it, we are glad to have people like yourself chairing it.

Senator Specter. Well, thank you very much, Mr. Mayor. It is a pleasure to do business with you.

COUNCIL OF THE DISTRICT OF COLUMBIA

STATEMENT OF HON. DAVID A. CLARKE, CHAIRMAN

INTRODUCTION OF WITNESS

Senator SPECTER. We would like now to call on the Honorable David A. Clarke, who is the Chairman of the Council of the District of Columbia.

Chairman Clarke, we very much appreciate your patience in being with us. I think that it is useful to have your presence at the time when the Mayor is testifying and questioned as the chief executive. And of course you are the presiding officer of the legislative branch. And it is a very expansive job, and as the Mayor noted, I have some more than passing familiarity with the council functions. I had been in city government for some time and had presented budgets for the district attorney's office to the city council of Philadelphia and have worked with the council and have a continuing relationship with my wife who is a member of the city council.

PREPARED STATEMENT

So I know the kind of trials and tribulations which you have. I commend you for the job you have done and have appreciated our informal session before. And we have your testimony and it will be made a part of the record in full and we would be pleased to hear from you at this time.

[The statement follows:]

Statement of David A. Clarke

Mr. Chairman, and other distinguished members of this subcommittee, I am David A. Clarke, Chairman of the Council of the District of Columbia and I am here today on behalf of the Council to testify on the District of Columbia's fiscal year 1984 budget as enacted by the Council of the District of Columbia.

The budget enacted by the Council totals $2,119,963,000 in authority for fiscal year 1984. Of this amount $1,872,433,000 is allocated as spending authority to the District's General Fund, $111,587,000 to capital outlay within the General Fund, $114,387,100 to the Water and Sewer Enterprise Fund for operating purposes and $11,220,000 for capital projects within the Water and Sewer Enterprise Fund. The Council also allocated $9,617,000 thousand dollars to the Washington Convention Center for its operations and $2,772,500 to the Lottery and Charitable Games Control Board for its operating needs. The budget is fully balanced with respect to anticipated revenues for fiscal year 1984 in accordance with provisions of the District's Home Rule Charter.

As you know, this is my first year as Chairman of the Council of the District of Columbia having been elected to that position by a majority of the voters of the District and it is my first opportunity to steward the Council's review and action on an annual budget request.

During its deliberations on the fiscal year 1984 budget, the Council was governed by new rules which maximized public participation.

First, and unlike the review of the fiscal year 1983 budget where discussions and initial voting took place within each of the Council's standing committees, the fiscal year 1984 review occured at the level of the Council's Committee of the Whole. The chairpersons of the Council's standing committee officiated at the hearings of the agencies under their committee, albeit under the jurisdiction of the Committee of the Whole. In accord with Council rules, each standing committee chairperson submitted recommendations on the budgets of each agency relating to the substantive council committee. These recommendations were submitted to the Chairperson of the Committee of the Whole (The Chairman of the Council) and established the foundation for a Committee of the Whole report and meeting during which Councilmembers discussed and voted on specific items of the budget. This process provided the opportunity for all Councilmembers to take a comprehensive view of the District's total budget and enter the discussion not bound by earlier votes taken within each substantive committee as was the case in the past.

Second, the addition of a section to the Council Rules for review of the Budget by the Committee of the Whole that "No amendment shall have the affect of putting the budget out of balance" strengthened the Council's ability to make meaningful changes to the budget and assured that anticipated revenues and proposed expenditures would balance.

I want to take this opportunity to compliment my colleagues for making the review of the fiscal year 1984 budget as smooth and as professional as it was and to indicate my appreciation to the Executive for providing the Council -- during its limited 50-day review -- with quick turn-around on many of the questions the Council raised during its action on the budget. Together, I believe we have wrought a budget that not only meets the basic needs of our citizenry but also considers the current and future economic uncertainties of our times.

There are a number of continuing economic issues facing us that that will undoubtedly warrant constant monitoring of both revenue and expenditure projections for fiscal year 1984. Among these are the following:

- the lingering national recession and the exceptional effect it has had on the level of local economic activity.
- unusually high "real" interest rates which continue to hinder economic growth from reaching desired levels.
- a decrease in the rate of growth in the federal employment base in the Washington metropolitan area.
- an unemployment rate in the District which is higher than the national average and a continuing alarmingly high rate of minority teenage unemployment.
- the continuing growth of medical costs which the District must provide for many of its citizens.
- a slowdown in the increase in housing values.
- the potential for a federal pay freeze which would result in less regional income and thus less income and sales tax revenues.
- the potential for an increase in the amount which the District must contribute to the Federal Civil Service Retirement system on behalf of its employees in the system.
- the proposal that the District assume full funding for St. Elizabeth's Hospital.

The fiscal year 1984 budget is, indeed, an austerity budget. The operating budget is only 4% greater than the fiscal year 1983 Congressional approved level and it contains a reduction in the number of continuing-full-time positions by 547 or close to 2 percent of the General Fund workforce. While this figure represents only a small portion of the City's workforce, I believe it is significant evidence of the District's improved management practices and improved utilization of personnel. In fiscal year 1984 I anticipate that the productivity of District civil servants will continue to advance and result in better service delivery for all citizens of the District of Columbia, even though our resources are being stretched to their maximum.

The programmatic priorities of this budget are the priorities of our citizens -- jobs, housing, education, youth, senior citizen services, programs for people in need of medical and social services, and economic development. In addition, we have improved our fiscal accountability through the implementation of traditional municipal financing practices. Provision has been made for continuing the delivery of essential city services that our citizens reley on each day day but which are increasing difficult to provide in an era of escalating service needs and costs and declining resources. These services included transportation, corrections, intra-district purchasing and environmental control. All will be continued to be looked at for improved efficiency.

As legislators, each of us is faced with allocating the "fiscal pie" among competing but equally worthy endeavours. The uncertainties of the current economic conditions make our jobs difficult at best and cause us to draw upon all our creative talents in hopes that we will be making the right decisions. We in the District are further challenged by our combination of state, county, and local budgeting authority. Members of the Council of the District of Columbia, like other municipal legislators, are faced not only with dividing limited resources among important city services but are also faced with making their decisions within a framework of a balanced budget. This is not an easy assignment nor one which this Council takes frivolously.

In the process of reaching a unanimous decision on the fiscal 1984 budget the Council held more than 13 days of hearings, heard scores of witnesses, reviewed hundreds of pages of responses to questions raised by Council members and answered by agency officials, and spent numerous hours discussing pertinent program issues relating to the allocation of limited resources. In short, the Council's review of the fiscal year 1984 budget was substantive not simply cursory. With the aid of the Council's automated budget mark-up system, the Council was able to analyze budget requests at a very high level of detail and compare the the fiscal year 1984 request to actual 1982 expenditures from the District's Financial Management System (FMS) and to the Congressionally approved fiscal year 1983 budget.

Using the Council automated budget mark-up system in an analytical manner rather than simply in an arithmatic way, the Council was able to produce a number of "what if" analyses and other comparative reports which looked at both revenue and expenditure data from an historical perspective as well as current point-of-view. The use of the automated budget mark-up system in combination with the District's FMS provided the Council, for the first time, with an exceptionally detailed data base from which to analyze information in support of budget review and decision-making. Our capacity to merge data from the District's FMS with our own historical files is a significant advancement for the Council. The interactive nature of our software, and our ability to apply this software in support of financial analysis, I believe, strengthens our role as municipal legislators and as stewards of the public trust.

This concludes my presentation Mr. Chairman. I will be happy to answer any questions you may have regarding my testimony.

OPENING REMARKS OF COUNCIL CHAIRMAN CLARKE

Mr. CLARKE. Thank you very much, Senator Specter. I enjoyed our meeting, and I appreciate the opportunity to be here. You may or may not have had a chance to learn from your wife that we share membership on the Fare Committee of the National League of Cities. I have only been there for two of its meetings because I have only been Chairman of the Council since January and accordingly attended that committee two times.

As you know, this is my first year as Chairman of the Council, having been elected to that position by a majority of the voters of the District. And it is my first opportunity to steward the Council's review and action on the annual budget request.

During its deliberations on the fiscal year 1984 budget, the Council was governed by new rules which maximized public participation. First, and unlike the review of the fiscal year 1983 budget where discussions and initial voting took place within each of our standing committees, debate on this budget occurred at the level of the Council's Committee of the Whole. The chairpersons of the standing committees officiated at hearings on the agencies under their committees, albeit under the Committee of the Whole's jurisdiction.

In accord with council rules, each standing committee chairperson submitted recommendations on the budgets of each agency under the committee's purview. These recommendations were submitted to me and established a foundation for a report that I made to the Committee of the Whole at a meeting where the budget was discussed and voted upon. This process provided the opportunity for all Council members to take a comprehensive view of the total budget and enter the discussion not bound by earlier votes taken within each substantive committee as in the past.

Second, the addition of a section to the Council rules for review of the budget by the Committee of the Whole and a requirement that no amendment shall have the effect of putting the budget out of balance, strengthened the Council's ability to make meaningful changes to the budget and insured that anticipated revenues and proposed expenditures would be balanced.

I want to take this opportunity to compliment my colleagues for making the review of this budget as smooth and professional as it was and to indicate my appreciation to the executive for providing the Council during its limited 50-day review with quick responses to many of the questions the Council raised during its action on the budget.

Together, I believe, we have established a budget that not only meets the basic needs of our citizenry, but also considers the future economic uncertainties of our time.

As legislators each of us is faced with allocating the fiscal pie among competing but equally worthy endeavors. The uncertainties of the current economic conditions make our jobs difficult at best and cause us to draw upon all of our creative talents in the hopes that we will be making the right decisions.

We, in the District, are further challenged by our combination of State, county, and local budgetary authority. Members of the Council of the District of Columbia, like other municipal legislators, are faced not only with dividing limited resources among important city services, but are also faced with making their decisions within the framework of a balanced budget.

This is not an easy assignment nor one which the Council takes frivolously. In the process of reaching a unanimous decision on this budget, the Council held more than 13 days of hearings, heard scores of witnesses, reviewed hundreds of pages of responses to questions raised by members and answered by agency officials, and spent numerous hours discussing pertinent program issues relating to the allocation of limited resources.

In short, the review, albeit 50 days, was substantive and not simply cursory. With the aid of the Council's automated budget markup system, the Council was able to analyze budget requests at a very high level of detail and compare the actual expenditures in 1982 with the fiscal year 1984 request.

The Council's automated markup system helped us to deal with the budget in an analytical manner rather than just in an arithmetic way. The Council was able to produce a number of "what if" analyses and other comparative reports, which looked at both revenue and expenditure data from a historical perspective as well as a current point of view.

The use of our automated budget markup system in combination with the District's Financial Management System (FMS) provided the Council for the first time with an exceptionally detailed data base from which to analyze information in support of budget review and decision-making.

Our capacity to merge data from the District's FMS with our own historial files is a significant advancement for the Council. The interactive nature of our software and our ability to apply this software in support of financial analysis, I believe, strengthens our role as municipal legislators and as stewards of the public trust.

Mr. Chairman, I appreciate the opportunity to be here. I hope that you will find the budget that we have submitted satisfactory. I would say in light of the House action that to the extent that you wish to make changes, we hope that you will undertake the full participation in making those changes, including their financing. I find somewhat difficult the proposition that the House has made that $25 million be added essentially to the budget and no revenues produced, either from the Federal side or no corresponding cuts made to it.

Thank you.

PROBLEMS OF BOARD OF ELECTIONS

Senator SPECTER. Thank you very much, Chairman Clarke. There are a number of questions of concern which I would like your thinking on.

The Board of Elections has been under fire for various problems that seem to occur every election day, and many of these problems appear to be administrative. However, some possibly could be cured legislatively. For instance, requiring voters who move to advise the board would reduce the number of people who do not show on the rolls of their new precinct. What is your thinking on that problem generally and that sort of a possible solution?

Mr. CLARKE. Well, I think I would caveat any statements that I would make in this regard, by pointing out as you did that it is basically an administrative problem. Any legislation that we provide will not solve the problem that votes have to be counted and that voters' lists have to be maintained.

We have looked in the Council at the issue of elections from a legislative point of view. We recently passed a bill to provide that the registration rolls would be cleaned up by using as a base those persons who voted in November and September of last year, 1982, providing for a mailing to those whom we know to be upon the list, but who did not vote in those elections, and then providing the requirement that you have just suggested, that people do notify the board of changes in their addresses.

The legislation went on to provide that we would not conduct the Advisory Neighborhood Commission election this year. I have submitted a more comprehensive bill which contains a number of reforms that go beyond those enacted on which are still under consideration in the Council.

I think the most far reaching of the other reforms that I have personally proposed is that of consolidation of elections. We hold elections every year. In the fiscal year 1984 that we are talking about, we have four elections scheduled in the District of Columbia. And yet we cannot elect everybody that we need to elect. We need, in my mind, to consolidate the elections that we hold in odd-numbered years for advisory neighborhood commissioners and school board members with the elections that we hold in even-numbered years.

This is a difficult proposition especially for a politician to make because certain vested interests are already established and people have different philosophies as to whether elections are the subject of more attention when they are separated from other ones.

CLOSING OF POLICE AND FIRE CLINIC

Senator SPECTER. Chairman Clarke, the Council agreed with the Mayor that the police and fire clinic would be closed and those individuals sent to D.C. hospitals. Do you think that the D.C. General Hospital is prepared to handle this responsibility? I would be interested in your own thinking on that.

Mr. CLARKE. Yes, sir, I do. I looked at that issue for a number of years as the chairman of the Judiciary Committee and finally came to the conclusion that the police and fire clinic could be closed and that the persons who are members of those departments could be adequately serviced in other facilities that the District of Columbia maintains. I was well aware, as the chairman of the Judiciary Committee for a number of years, especially those years in which the retirement line was associated with the agency line, that much of the money that we spend for police and fire services in this city does not actually go directly to the provision of those services. I think one-third of the total spending each year is in one agency and one-half in another, if you included benefits for the persons who have retired.

In the area of the police and fire clinic, I think that it is a nice benefit, but I think that the purpose of it, the provision of that benefit, can be accomplished as easily and as efficiently and much less costly through the other clinics that we have.

REVOKING PAROLE ON SECOND ARREST

Senator SPECTER. Chairman Clarke, Councilman Wilson has introduced a bill that would automatically revoke parole if the parolee is rearrested for a subsequent serious charge. What do you think? You have had very substantial experience in the criminal justice system. What is your evaluation of that proposal?

Mr. CLARKE. Senator Specter, the evaluation—I will be glad to give you my evaluation. I must caveat it, that it is my own. The bill has been committed to the Committee on the Judiciary and neither the committee nor the Council has taken action with respect to it.

I have some disposition against legislation providing mandatories in the criminal justice system, especially in the way of sanctions. I was not one of those who supported mandatory minimum sentencing. And I do believe that there are so many variables in the system, that crime has no one cause; it has no one conclusion. It certainly has many players, many planners, especially in this city coming from two major governments, the Federal Government and the local government, that when you put all the exercises of discretion together, et cetera, you come up with many different variable situations, which a legislature simply cannot provide a mandatory solution for in every case.

If we were to move to the mandatory philosophy, it seems to me it would almost have to be done systemwide. The other parts of our legislation assume a great deal of discretion. We have one provision of our law called the armed enhancement section, which provides that life imprisonment can be given for some situations which in my mind are misdemeanors.

The items specifically defined as weapons range from machine guns to toy pistols. These items do not have to be used as weapons; they merely have to be available. Consequently, it is theoretically possible within our statutory law that a person could receive up to life imprisonment for an extremely minor offense.

The reason this does not occur and the reason that the legislature does not run and claim injustice is because of the discretion within the system.

But suppose you have a person on a longtime parole, and under Mr. Wilson's bill, which includes theft as one of the crimes for which the parole could be revoked, the person was charged with a simple theft, possibly a shoplifting experience. We would have a difficult time with those kinds of cases. I believe that the proper way to proceed is the way that we have proceeded legislatively. And that is the assignment of discretion to the various components of the system and the oversight of that discretion. I would point out that the District of Columbia already has the highest ratio of incarcerated persons per citizen of any State in the country. And corrections is a State function.

We have nearly 1 percent of our population incarcerated. You have discussed with the Mayor in earlier testimony the overcrowding that exists in the D.C. jail. For persons who are arrested while on parole or probation the judge has the capability to hold the person for 5 days. Under legislation we passed last year, this 5-day hold period was extended by excluding Saturday, Sunday, and legal holidays from this computation. Certainly the parole board has the capability to revoke parole after a person has been convicted of a crime. I think that is sufficient.

Senator SPECTER. Chairman Clarke, you heard the questions that I posed to the Mayor. Would you care to comment on any of those subject matters?

Mr. CLARKE. The ones that you posed to the Mayor?

Senator SPECTER. As to the criminal justice system or any of the other subjects.

Mr. CLARKE. I believe the Mayor presented a very good case for the city.

VIEW OF CRIMINAL JUSTICE SYSTEM

Senator SPECTER. Let me ask you for your own views on the criminal justice system, again because of your very extensive experience. What would your sense be for a rule requiring people to be brought to trial within 180 days from arrest?

Mr. CLARKE. I think it is a great ideal, sir. Again, as I spoke with respect to the last question, I have to point to some of the same factors. In the Congress wisdom, our city government was established in somewhat of a fragmented basis. We may have the legislative power with respect to the 180 days because it might be concluded to be procedural. We do not have the legislative power, however, to make any changes in the jurisdiction or the organization of the courts to accomplish that.

Senator SPECTER. Well, the court could do it itself, couldn't it?

Mr. CLARKE. Precisely. As I say, it is a good ideal.

Senator SPECTER. Do you think it is a good idea to do that?

Mr. CLARKE. Good ideal. Ideal. I am thinking in terms of a legislative requirement. I am also concerned that the U.S. attorney's office is part of a totally different government. And what the prosecutor does with respect to getting a case to trial is as important as what the defense does with respect to getting a case to trial. And that is just beyond the oversight jurisdiction, beyond the legislative jurisdiction, beyond the executive jurisdiction of the District of Columbia altogether. And to legislate such a requirement without being able to have any control over its administration does not seem to me to be wise.

Senator SPECTER. Thank you very much, Chairman Clarke. We very much appreciate your being here. We appreciate your testimony and look forward to working with you on these problems.

Mr. CLARKE. Thank you very much, sir.

SUBMITTED QUESTIONS

Senator SPECTER. I have some questions which I will submit for responses for the record.

[The following questions were not asked at the hearing but were submitted for response for the record:]

QUESTIONS SUBMITTED BY SENATOR SPECTER

COUNCIL OF THE DISTRICT OF COLUMBIA

SENATOR SPECTER:
1. 1982 was an election year and some of the personnel changed. With these changes some had to receive severance pay, where did you take the money from to pay these people? How many received this pay and for how long? Do you have money allocated for this in the budget?

CHAIRMAN CLARKE:
1. In Fiscal Year 1983, $78,621.08 in severance costs and $50,819 in annual leave lump sum costs will be incurred. However, only $98,400 was budgeted to support these costs. As a consequence, the balance will have to be redirected from the other-than-personal-service cost category. There are 12 persons who will receive severance pay, which ranges from 1 to 24 weeks. The length of the payment period for severance pay is contingent upon the number of years of government service. There are 14 persons who will receive annual leave lump sum pay.

SENATOR SPECTER:
2. Is the Council functioning to its capacity with no change in the number of personnel?

CHAIRMAN CLARKE:
2. In Fiscal Year 1983, due to the inadequate funding of personal service costs, the Council has had to maintain a high lapse rate, equivalent to 9 positions. In Fiscal Year 1984 we are requesting no additional positions over the Fiscal Year 1983 authorized level. The D.C. City Auditor, in an independent opinion, stated that an increase of $818,738 is required to support fully, personal service costs in Fiscal Year 1984. Our requested increase is only 61% of that amount. This will mean that some support positions will remain vacant. As a direct consequence, some functions will not be performed, such as our efforts to reduce the backlog in our clerical support function and to complete automation of legislative processing.

SENATOR SPECTER:
3. Has the workload increased or remained the same over the past year?

CHAIRMAN CLARKE:
3. With the use of the automated budget mark-up system, the amount of analysis and examination of the executive development and implementation of the fiscal year budget has increased. Further, in January of this year, the Council added two committees-Libraries, Recreation and Related Youth Affairs and Public Services and Cable Television-to the nine existing ones. The work of the additional committees is being accomplished within the existing Council staffing allocation. These additions in-

creased the workload of the administrative support functions.

Based on data of the first three months of Council period 5(January,1983 - December,1984), there is an appreciable increase in the number of bills being introduced compared to the previous Council periods. It is projected, if the current trend continues, that a 30 percent increase will be realized. The demand for information about Council measures and copies of those measures has increased substantially. As a result, we will implement an automated legislative status reporting system that is expected to increase the activity levels of administrative support units.

OFFICE OF THE DISTRICT OF COLUMBIA AUDITOR

SENATOR SPECTER:

1. You are projecting for fiscal year 1984 that you will increase the number of financial audits completed from 10 in 1983 to 25 in 1984. How do you plan to generate this increase?

MR. TROUPE:

1. Our projection is based on the assumption that we will operate with a full staff complement for the entire fiscal year. Two new auditor positions were authorized in the fiscal 1983 budget for nine months funding. In addition, we had another position vacant for a period of time. With my emphasis toward completion of more financial audits and the additional staff resources that will be available, I believe that an increase from 10 is probable and that a target of 25 audits is attainable.

SENATOR SPECTER:

2. With the small staff that you have and all of the various agencies that you are responsible for, will you be able to assign personnel just to handle these audits?

MR. TROUPE:

2. The additional staff resources that will be available to this office in fiscal year 1984 will allow us to modestly increase the number of audits completed. These efforts will be directed toward completion of additional financial audits consistent with my goals in this area. Our work plan development for fiscal 1984 will take this into consideration and I anticipate only the usual difficulty in assigning staff to fulfill these responsibilities.

SENATOR SPECTER:

3. You stated in 1983 during the budget hearings that you would have one individual devoted almost exclusively to the lottery and lottery related activities. Have you been able to assign that person to handle these activities?

MR. TROUPE:

3. Yes. We currently have one staff person who spends about twenty five percent of her time on lottery and lottery related activities. Entering the end of this agency's first full year of operation the Auditor perceives a substantial increase in lottery related activities and the demand for additional audit services

upon start up of the daily numbers game. Accordingly, I intend to increase the resources allocated to this area as such needs develop.

SENATOR SPECTER:
4. Have you requested payment from the Lottery Commission for auditor service? If not, do you plan to do so in the future?

MR. TROUPE:
4. I have not requested any reimbursements or payments for audit services to date. It is my intention to work out an agreement with the Lottery Commission in the near future similar to the intra-District transfer we receive annually from the Convention Center for audit services.

OFFICE OF THE MAYOR

SENATOR SPECTER:

1. In fiscal year 1983 you had $44,700 that you requested to establish several part-time positions, and to fund benefits associated with these positions. Was your request for the positions granted? If so, are these positions included in the Mayor's present 15 positions or are they additional staff?

MR. CROPP:

1. The fiscal year 1983 request for the Office of the Mayor included an increase of $44,700 to fund the 5% pay increase. $16,000 in personal services was redirected to fund intermittent part-time salaries. The Office of the Mayor's request for both fiscal year 1983 and 1984 is for 25 continuing full-time positions. Intermittent part-time positions are estimated throughout the fiscal year 1984 at 2, but are not included in the continuing full-time level of 25 positions. The fiscal year 1983 budget for the Office of the Mayor was approved by Congress as requested.

SENATOR SPECTER:

2. Were these positions created to handle the Victims of Violent Crime Compensation?

MR. CROPP:

2. No; no positions were created to administer the Victims of Violent Crime Compensation Program.

SENATOR SPECTER:

3. You also stated that with the approval of Congress and the appropriation of funds, such funds would be transferred to the D.C. Office of Criminal Justice Plans and Analysis Administration and included in the appropriation request of that office in future years. Has the staff that was handling these cases been incorporated within another agency?

MR. CROPP:

3. This program was included in the fiscal year 1983 budget for the immediate Office of the Mayor as a result of D.C. Council action. Since the Office of the Mayor does not administer programs, it was first planned to transfer these funds to the D.C. Office of Criminal Justice Plans and Analysis. However, after further analyses it was determined that the D.C. Department of Employment Services was better equipped to administer a program designed to compensate and evaluate criminal victims' claims, since it already does considerable claims and compensation in its unemployment insurance and worker's compensation programs. This funding did not fund any new staff positions.

OFFICE OF THE EXECUTIVE SECRETARY

SENATOR SPECTER:
1. The 34 positions have remained the same since fiscal year 1982. Has your workload increased or decreased during that period?

MR. CROPP:
1. The workload for the Secretariat has increased as a result of added program responsibilities.

SENATOR SPECTER:
2. If the workload increased, what did you do to compensate for that increase without additional employees?

MR. CROPP:
2. The fiscal year 1984 budget request for the Secretariat includes increases for regular and overtime pay. The Secretariat proposes to defray workload increases by realigment of duties and responsibilities wherever possible and, where not, by the authorization of overtime pay or, in emergency situations, the creation of temporary or W.A.E. positions.

OFFICE OF COMMUNICATIONS

SENATOR SPECTER:
1. You stated in the justifications for your budget that you are requesting seven positions, one of which will have to remain unfilled in order to maintain your fiscal year 1984 appropriation. What will this position be? Will it affect the function of the department by being understaffed?

MS. SAMUELS:
1. The position that will remain unfilled until the savings of 17,800 is achieved is a DS-12. Yes, we will have to limit the office's involvement in the centralization of publications planning preparation, additional public information campaigns, and communications projects being recommended by expert advisors who are currently reviewing D. C. government operations.

SENATOR SPECTER:
2. How do you expect to expand your present operation when you presently do not have the required personnel?

MS. SAMUELS:
2. We do not expect to expand the present operation at this time.

SENATOR SPECTER:
3. When do you anticipate expanding this operation and exactly what way do you expect to expand?

MS. SAMUELS:
3. We do not expect to expand the present operation in the near future. When we are able to expand the operation we will be adding writing and publications coordination staff in order to centralize our publications planning preparation, increase our public information campaigns and other communications projects that have been recommended by expert advisers who are currently reviewing D. C. government communications operations.

OFFICE OF INTERGOVERNMENTAL RELATIONS

SENATOR SPECTER:
1. You have requested nine positions for fiscal year 1984, but you stated in your justifications that you will leave two positions unfilled that is (sic) currently vacant. Is this feasible. What effect will this have on your agency?

MS. SCHNEIDER:
1. The justification states that the FY 1984 request is for 9 positions, and that there is no change from FY 1983. There will be no significant program impact; the agency will leave only one currently vacant position unfilled in FY 1984.

SENATOR SPECTER:
2. What are the position(s) you plan to leave vacant?

MS. SCHNEIDER:
2. DS-13 - Legislative Analyst

OFFICE OF INSPECTOR GENERAL

SENATOR SPECTER:
1. Do all agencies reimburse your office for audits?

MS. BLALOCK:

1. No. Agencies do not reimburse the Office of Inspector General (OIG) for audit costs except when OIG performs audits of certain Federal grants. Since a majority of Federal grant audits are now performed by independent public accountants under contracts with the District, OIG does not receive a substantial amount of reimbursement for Federal grant audits.

SENATOR SPECTER:
2. It is routine to have an annual audit, but for the agencies that do not receive it annually, do they request it themselves or do you have another method that you use to determine which agencies should be audited?

MS. BLALOCK:
2. Since it is not possible, with the number of auditors currently authorized, to perform audits of all agencies on an annual basis, OIG must schedule audits to be performed on the basis of priorities.

Priorities are determined by considering at least the following factors:

a. Audit requirements of laws or regulations.
b. Requests for audits by the Mayor, department head, or other District official.
c. Known or suspected problem areas and areas of suspected vulnerability to fraud, abuse and waste.
d. New programs with potential for significant revenue generation, control or custody of cash funds or authority to expend significant amounts.
e. Timeliness, reliability and coverage of audits performed by others such as D.C. Auditor's Office, U.S. General Accounting Office or independent public accountants.

SENATOR SPECTER:
3. Explain the effect the increase of the cash match requirement for Medicaid Fraud Control program will have on this agency? Do you think that your agency at some point will be able to absorb the full amount of the cash match?

MS. BLALOCK:
3. The cash match requirement for the Medicaid Fraud Control Program further increases our funding deficit for Fiscal Year 1984. If the OIG were required to absorb the cash match without any increase in funding, the result would probably be a reduction in force of two permanent full time auditor positions. The cash match required is $132,000. Indirect cost reimbursements from this program are estimated at $83,000. $67,200 of the indirect cost reimbursements will be used to partially offset the cash match requirement, while $15,800 is needed to help defray administrative costs. The remaining $65,000 cash match requirement is requested as an increase to continue the Medicaid Fraud Control Program. If the program were continued without the increase, OIG would have to absorb the $65,000 thereby increasing OIG's funding deficit.

In response to the second part of the question, as to whether the OIG at some point will be able to absorb the full amount of the cash match, the answer is no. OIG's budget has been underfunded for several years. Our present deficit of $120,000 in the appropriation does not permit us to absorb any portion of the cash match. Past experience shows that it is highly unlikely we will be able to absorb the cash match amounts in the future.

OFFICE OF THE CITY ADMINISTRATOR

SENATOR SPECTER:
1. If the Federal government continues to cut funds for most programs what impact will that have on your office:

MR. ROGERS:
1. In Fiscal Year 1984 the Office of the City Administrator will not receive federal funds. The D.C. Energy Office, which received the federal funds, will be transferred to the Human Services Appropriation Title, as a result of final Council action on the FY 1984 budget.

OFFICE OF FINANCIAL MANAGEMENT

SENATOR SPECTER:
1. Your agency will have to sustain a reduction in your budget of $1,704.4 for fiscal year 1984. These funds will mainly reduce the other services and equipment. With the responsibility of your agency in keeping accurate records and administering the centralized pay and retirement system can you withstand this type of cut?

MR. HILL:
1. The funds lost in FY '84 would have financed improvements in hardware and the acceleration of development work on FMS. Our basic funding in these areas remains, and we will be able to continue our current efforts. We currently own the computer hardware in question. It is installed and operational, and we do not anticipate a requirement for additional equipment. The computers are, however, well beyond their economic life span, and should be replaced by more efficient and dependable equipment. We currently maintain a staff of computer analysts and programmers who maintain the FMS system. With this staff, we have a limited capability to design and program FMS enhancements. We will continue this in-house effort. The funding would have provided contractor support to accelerate and expand these enhancements.

SENATOR SPECTER:
2. Will you rent additional equipment if needed?

MR. HILL:
2. The current equipment is now owned outright by the City. In the future, as this equipment is replaced, we would expect to obtain new equipment under standard lease-purchase plans normally offered to manufacturers to both federal and local governments.

SENATOR SPECTER:
3. Have you checked the rental prices to see if it would be feasible to rent equipment?

MR. HILL:
3. We believe that rental plans would be economically feasible only for short-term, "add-on" equipment requirements. At the present time, we do not anticipate such a need.

SENATOR SPECTER:
4. How do you improve the financial management systems of the city that you predict you will do? Is that through a computerized system or is it just staying abreast of what is going on in the day-to-day process?

MR. HILL:
4. Improvements to the Financial Management System are currently undertaken by our Systems Support staff within the Office of Financial Information Services, under the general direction and priorities of the Deputy Mayor for Finance and the major using agencies of FMS. These technical staff make use of the technical facilities of the large computer system (FMS) now installed. Much of their work includes day-to-day maintenance of this system.

SENATOR SPECTER:
5. Would it be feasible for other agencies to buy computer service from your agency and have one central location? Would that be too much for one agency to handle?

MR. HILL:
5. At the present time, the computer center services the financial agencies of the city, with primary operational responsibility for the Financial Management System (FMS), the Payroll System, and the Tax Systems of the Department of Finance and Revenue. Any excess computer time and facilities is made available to other agencies, and some service is provided thereby to the Department of General Services, Environmental Services, etc. Major, large-scale support of other agencies at this site would not be possible without major increases in computer hardware and staffing. Plans for the coordination of data processing activities throughout the many agencies of the city are currently being developed.

OFFICE OF THE BUDGET

SENATOR SPECTER:

1. How many positions will remain vacant for fiscal year 1984? What type of positions will remain vacant?

MS. REVEAL:

1. The Office of the Budget is projected to have an average of 9 vacancies in fiscal year 1984. The positions that are to be held open are primarily DS-9 through DS-13 budget analysts positions. Holding these positions open will allow us to operate within our Personal Services funding request for fiscal year 1984.

SENATOR SPECTER:

2. What is your workload like? Do you work a lot of overtime?

MS. REVEAL:

2. Because of the unique situation created by the dual budget review process faced by the District of Columbia, the workload of the District's budget office is in effect doubled. This duplicative

burden should be considered in the light of the heavy workloads faced by "ordinary" budget shops in state and municipal governments. The additional requirements of staff time made necessary by Congressional review of the District's budget constitutes an enormous additional burden.

Our fiscal year 1984 budget request includes $7,500 for overtime compensation. Requirements for staff time beyond normal working hours which exceeds this amount are met with the allocation of compensatory time. A substantial amount of compensatory time is earned by Budget Office staff. Professional staff are often required to work 60 hour weeks for extended periods of time in order to meet the myraid deadlines with which the office is faced.

D.C. OFFICE OF PERSONNEL

SENATOR SPECTER:
1. Do you have one central location for all job vacancies or do you still have some agencies that post their own available jobs?

MR. GUTIERREZ:
1. The Office of Personnel maintains a central Job Information Center at 613 G Street, N.W., Room 301. The Center is open weekdays, from 8:15 a.m. to 4:45 p.m. On a bi-weekly basis, each field office prepares and transmits to the Job Information Center a listing of position vacancies within the agencies serviced by that office. The Job Information Center then prepares a consolidated report of position vacancies throughout the District Government. This report is distributed to hundreds of employment offices, as well as academic, civic, military and other professional organizations, to ensure the widest possible dissemination of this critically important information. The consolidated vacancy report is also made available to members of the public. In addition to the consolidated vacancy listings, individual vacancy announcements are available at each of the four field personnel offices.

SENATOR SPECTER:
2. How long does the hiring process take and what procedure do you use to refer applicants?

MR. GUTIERREZ:
2. Normally, the processing time to complete a personnel action ranges from two to twelve weeks. The duration of the hiring process is determined by a number of factors inherent within the specific position to be filled. For example, if the position requires the demonstration of technical skills that are in great demand, it may be necessary to establish an expanded recruitment area and to advertise the position on a regional or national basis for several weeks or months. All positions within the District Government that are filled under competitive procedures must be advertised for a minimum of five work days. To compete for most District Government positions, candidates respond to a position vacancy announcement by completing an employment application form and submitting it to the appropriate field office of the D.C. Office of Personnel. A staffing representative then evaluates the education, training and experience of these candidates according to established qualification standards. Those candidates who are considered as

"best qualified" for the position are then certified and referred for final consideration and selection by an appropriate official of the agency in which the position vacancy is located. After making a selection, this official annotates the certificate and returns it to the Office of Personnel for final employment processing.

SENATOR SPECTER:
3. Do you presently have a freeze on hiring new employees?

MR. GUTIERREZ:
3. No. However, the decision to fill a vacant position is made on a case by case basis, after careful budgetary review and the impact of leaving the position vacant.

SENATOR SPECTER:
4. What do you do about essential positions that become vacant? Do you have a method that you go by in order to handle these vacancies?

MR. GUTIERREZ:
4. We make every effort to project vacancies well in advance so that we are able to begin recruitment efforts in advance of the vacancy actually occurring. This is not always possible, of course, so it is necessary to take advantage of the flexibilities in our enabling legislation, and utilize special hiring procedures which permit us to appoint individuals to positions under a "30-day special need" appointing authority. Under this authority, an employee may be given an immediate, 30-day appointment without open competition. In this way, the employee's services are utilized in essential positions, while at the same time, normal and usual recruitment activities are implemented, so that the position may be filled on a more permanent basis after the expiration of the 30-day appointment.

SENATOR SPECTER:
5. For retirement purposes and for other essentials that are routed through your office, how long will it take for an individual to receive his retirement check or disability funds? Does your office handle all of this?

MR. GUTIERREZ:
5. Upon separation from the D.C. Government for optional or disability retirement and other purposes, the following processing procedures are followed:

1. The appropriate personnel authority prepares a Personnel Action to separate the employee, and forwards a copy to the D.C. Office of Financial Management, Pay and Retirement Division.

2. The Pay and Retirement Division closes out the employee's Civil Service Contribution Record (SF 2806) and forwards the record and application for retirement or refund to the U.S. Office of Personnel Management.

3. The Office of Personnel Management adjudicates all retirement applications at their processing center in Boyers, Pennsylvania.

The following are the approximate check processing times for the Office of Personnel Management following receipt of the retirement records:

1. Optional Retirement - 10 to 12 weeks

2. Disability
    a. preliminary (to determine eligibility) - 45 to 90 days
    b. final (after eligibility has been determined) - 6 to 8 weeks

3. Refund of Retirement Deductions - 6 to 8 weeks

BOARD OF ELECTIONS AND ETHICS

SENATOR SPECTER:
1. You have requested an additional 5 positions, what will these positions be?

MR. LEWIS:
1. All of the additional positions requested, and to be financed with no increase in funding over the fiscal year 1983 base, will be in the vital voter records area. More specifically, these will be clerical positions required for file maintenance of the hard-copy registration documents and data entry for the associated on-line automated system.

SENATOR SPECTER:
2. In order to operate a smooth election, will 41 people be enough to handle such a large responsibility? How many temporary people do you usually hire?

MR. LEWIS:
2. The 41 positions contained in the fiscal year 1984 budget request represent those required for the day-to-day permanent functions of the agency. During elections, many of the permanent staff who fill these positions such as administrative and logistical support, assume a secondary role by assisting in functions directly related to the conduct of the elections. We do in fact hire temporary personnel during the peak election activity period. The number hired varies according to the size and complexity of the election, but generally averages about 30 clerical personnel for staff augmentation at our main office, and 1,300 to 1,500 personnel for operating the 137 polling places.

SENATOR SPECTER:
3. Out of the 41 full-time employees, are they responsible for the voting polls and the counting of the ballots?

MR. LEWIS:
3. The agency permanent staff is ultimately responsible for the operation of the polling places, but none of the 41 full-time personnel would normally be physically present at any of these polling places. With respect to ballot counting, all of that is done centrally on the agency's ADP system by the permanent staff.

SENATOR SPECTER:
4. Explain the type of progress you hope this Board will make during this year with these additional employees?

MR. LEWIS:
4. The additional positions requested, and the use to which these resources are to be applied, reflect our concern for, and emphasis on, maintaining accuracy and currency of the voter registration rolls. These additional positions, used in conjunction with the on-line registration system provide the capability to respond more quickly to the needs of the electorate, whether it involves new registrations or modifications to existing ones. We also hope to be better equipped to cope with the vital task of proper file maintenance and reconciliation between hard-copy and automated files.

SENATOR SPECTER:
5. What type of voting equipment do you use? Is it rented or have you purchased your own and have a protective area to store it until it is used?

MR. LEWIS:
5. The voting system used by this agency is a punch-card system with centralized counting being done with a mini-computer. The system, sold under the trade name of DATAVOTE, was purchased outright in 1979 and has served us well ever since. As a matter of fact, whatever problems we may have had over the past four years, none has been related to ballot counting. The central computer is in a restricted area at the agency's main office located in the District Building, and is the same computer used for the on-line registration system, the latter being recently activated in 1982. The fact that the same computer handles both the ballot counting and voter registration systems was a primary consideration when the equipment was acquired. We were able to obtain maximum utilization for the dollars invested.

SENATOR SPECTER:
6. Do you think any of the problems in the previous year came from poor management? If so, explain.

MR. LEWIS:
6. In responding to this question I would first like to say that the publicity surrounding the agency's problems has been disproportionate to the problems themselves. Through dedication and extremely hard work under a great deal of pressure, the staff has resolved, or responded to, these problems in an exemplary manner, and, within the existing laws. More specifically, there were some management problems in terms of ensuring an overall, coordinated agency course of direction, but that was resolved by filling the position of the Executive Director position in 1983. The much-publicized problem of inaccurate voter registration rolls was somewhat overstated, with the problem itself stemming in large part from the transient nature of a large segment of the City's electorate, and no legal requirement for change of address notification to the agency. The time was another contributing factor in that the clean-up requirement on the voter registration rolls, once identified, was greater than the time available before the September 1982 election. However, all authorized votes were tabulated and counted in the manner prescribed by law - the special ballot. We

feel that we are now making considerable progress towards improved management of the voter registration files and do not anticipate a recurrence of problems of the magnitude of those encountered in 1982.

PUBLIC EMPLOYEE RELATIONS BOARD

SENATOR SPECTER:
1. You stated in your justifications that you have alloted funds for temporary staff pay. What are these positions that you hire temporary employees? Are they regular employees that you use for a six month tenure or one year or how long do you contract these individuals for? How do you define your temporary staff?

CHAIRMAN WIRTZ:
1. Funding in this category is for the compensation of the five (5) part-time Board Members who are compensated at the rate of $250 per day. For FY 1984, we are projecting 1.5 days per month for the Chairman and 1.25 days per month for each Board Member. We don't anticipate hiring temporary employees in FY 1984.

SENATOR SPECTER:
2. Give me a breakdown of what other services and charges consist of when you have allocated $54,200 for that fund.

CHAIRMAN WIRTZ:
2. The breakdown of "Other Services and Charges" for FY 1984 is as follows:

Travel & Conference Fees -Local	- .5	
Travel & Conference Fees -Out of City	- 2.2	
Maintenance & Repairs - Machinery & Equip.	- 2.0	
Professional Service Fees & Contracts	-25.0	(Independent/Outside Legal Counsel)
Contractual Services - Other	-15.0	(Court Reporters & Hearing Examiners)
Office Support	- 2.5	
Printing	- 2.5	
Postage and Parcel Post	- 2.5	
Employee Training	- 2.0	
Total	54.2	

SENATOR SPECTER:
3. What type of information are you using to determine that the Board's caseload in fiscal year 1984 will stabilize?

CHAIRMAN WIRTZ:
3. The caseload during the Board's first two (2) years of operation increased at the rate of approximately 10-20% per year. During that period, however, the city was in the initial stages of implementing its labor relations policy under the Comprehensive Merit Personnel Act. With the completion of the first round of contract negotiations, the caseload has become more stabilized and predictable. It is not predicted, based on existing circumstances, that the level of activities will significantly increase prior to the next round of bargaining in FY 1985. Our projections for FY 1984 are, therefore, based upon our caseload experiences in FY 1981, FY 1982 and FY 1983.

OFFICE OF EMPLOYEE APPEALS

SENATOR SPECTOR:
1. How do you perdict your caseload for fiscal year 1984 will compare to previous years as far as being acted upon by the Board?

MS. BANKS:
1. The Office has been able to increase its productivity in reviewing appeals from year to year. In FY 82, the Office achieved a 88% increase in the number of appeals reviewed by the Board. In FY 83, the Board projects that it will improve its performance by an additional 53%. The goal for the Office in FY 84 is to again increase its decision making by 50% over FY 83 levels.

SENATOR SPECTOR:
2. Since the honoraria has been cut in half for the Board, how will you get these cases reviewed? Will the Board meet less times a year and make their meetings longer in order to handle some of these cases?

MS. BANKS:
2. The Board does plan to reduce the number of its meetings per year by approximately 50%. However, increasing the length of each meeting will effect no cost savings in that Board Members' pay is computed on an hourly basis. It is hoped that such a reduction in the number of Board meetings will not delay decision-making. The Office's Hearing Examiners have now gained ample experience in the matters which they adjudicate and have thus been able to reduce the time necessary to prepare written recommendations. Board Members have also gained experience in expeditiously identifying pertinent issues and in reaching their decisions. The Office hopes therefore that such increased experience will compensate for the reduction in the number of meetings held.

DISTRICT OF COLUMBIA RETIREMENT BOARD

SENATOR SPECTER:
1. The Retirement Board will have jurisdiction over the three retirement systems. Do you plan to bring all three systems under the same guidelines or do you just plan to govern each separately?

MR. HIGGINS:
1. The District of Columbia Retirement Board has jurisdiction over the three retirement funds. Section 121 of the District of Columbia Retirement Reform Act (P.L. 96-122), approved November 17, 1979, established the D.C. Retirement Board as an independent agency of the District government to manage and control the retirement funds for Teachers, Police Officers and Fire Fighters, and Judges. On April 24, 1981, the Board assumed custody of the assets of the three retirement funds and selected American Security Bank as its custodian and investment manager. ASB invested the assets in short-term money market instruments in accordance with the Board's interim investment guidelines. On November 10, 1982, the Board began implementation of its long-term investment guidelines by placing 2/3 of assets held at the time under the control of six additional investment managers (three equity managers and three fixed income managers). Since statutorially the assets of the three retirement

funds are allowed to be commingled for investment purposes, the Board governs the investment management of the three funds with one set of investment guidelines approved at its December 8, 1981, Board meeting.

SENATOR SPECTER:
2. At the present time, which system has the best investment program for return to the members?

MR. HIGGINS:
2. All three retirement funds have the same investment program. However, the Teachers' and Judges' Retirement Funds may have different investment performances because their investment portfolios contain long-term corporate and Federal Government bonds carryovers from their predecessors' funds.

SENATOR SPECTER:
3. Do you think you will be able to do a better job with this program than they presently have?

MR. HIGGINS:
3. What they presently have is the D.C. Retirement Board's investment program which produced the following rates of return for FY 1983: Teachers' Fund; 20.6%; Police Officers' and Fire Fighters' Fund, 17.1%; and Judges' Fund, 21.2%.

METROPOLITAN WASHINGTON COUNCIL OF GOVERNMENTS

SENATOR SPECTER:
1. Your budget for fiscal year 1983 and fiscal year 1984 are the same. Were the funds in fiscal year 1983 appropriate?

MR. BORKO:
1. The funds in fiscal year 1983 are appropriate. The Metropolitan Washington Council of Governments expects to fund inflationary and other increases within the fiscal year 1984 budget.

SENATOR SPECTER:
2. Is it possible to give a breakdown of contributions from each surrounding jurisdiction since 1981?

MR. BORKO:
2. Yes. The schedule of contributions since 1981 is attached.

SCHEDULE OF LOCAL CONTRIBUTIONS

JURISDICTION	FY 1981	FY 1982
District of Columbia	$215,354	$ 221,027
Prince George's County	198,002	213,296
Fairfax County	187,859	207,207
Montgomery County	175,851	184,905
Arlington County	51,968	52,822
Prince William County	47,907	50,439
Alexandria, City of	37,240	36,525
Doudoun County	18,790	21,045
Rockville, City of	7,189	7,855
Bowie, City of	6,529	5,761
College Park, City of	4,323	4,521
Gaithersburg, City of	4,566	4,348
Fairfax, City of	6,985	6,748
Greenbelt, City of	3,216	3,000
Takoma Park, City of	2,798	2,782
Falls Church, City of	2,973	3,269
Total	$971,550	$ 1,025,550

JURISDICTION	FY 1983	FY 1984
District of Columbia	$ 238,156	$ 249,082
Prince George's County	233,543	243,996
Fairfax County	222,936	232,488
Montgomery County	201,038	210,036
Arlington County	56,994	59,545
Prince William County	54,045	56,464
Alexandria, City of	38,550	40,276
Loudoun County	21,448	22,408
Rockville, City of	8,182	8,548
Bowie, City of	6,293	6,575
College Park, City of	4,410	4,607
Gaithersburg, City of	4,935	5,155
Fairfax, City of	7,242	7,993
Greenbelt, City of	3,237	3,382
Takoma Park, City of	3,031	3,167
Falls Church, City of	3,554	3,713
Total	$1,107,594	$1,157,435

Under COG's Bylaws, contributions are calculated on a per capita basis. Population estimates used for calculating contributions are based on final population counts from the 1980 Census which local governments have reviewed and changed.

STATEHOOD CONSTITUTIONAL CONVENTION

SENATOR SPECTER:
1. What will the estimate cost be for the contracted services by convention delegates?

MR. CASSELL:
1. The D. C. Statehood Constitutional Convention is required by D. C. Law 3-171 and its amendments to conduct a series of public informational and statehood advocacy programs, to conduct full and complete studies of legislation and administrative action related to authority transfer between federal state governments; and to report to the convention on these issues.

The contracted services portion of this activity, involving a minimal staff of four persons is $126,424 for fiscal year 1984. This represents 51 percent of our total budget needs for fiscal year 1984. The remainder was for the salaries of elected representatives identified in D. C. Law 3-171 as lobbyist in Congress. Fifty-one percent of the statehood budget included in the appropriation request ($75,000) amounts to $38,477.58. It is our intent to request, from the District government, supplemental funds to make up the difference between the fiscal year 1984 request and what is needed to carry out the terms of the law.

SENATOR SPECTER:
2. Do you plan to phase this agency out of existence when the constitution is submitted to Congress if and when the District becomes a state?

MR. CASSELL:
2. If and when the District of Columbia becomes a state there will be no need for this agency.

D.C. OFFICE OF COMMUNITY SERVICES

SENATOR SPECTER:
1. Who are the people that serve on this Commission? Are they elected from the community? Do they function through regular Commission meetings?

MS. BONDS:
1. The 365 single-district Advisory Neighborhood Commissioners are a diverse assembly of citizens in all ethnic and socio-economic backgrounds and neighborhood interests. They are 60% male and range in age from young adulthood, to the elderly. Commissioners are elected from the community in which they live at public, non-partisan elections held every two years.

They have the responsibility of apprising the District of Columbia Government on matters of public policy, including decisions regarding planning, streets, recreation, social services, health, safety, and sanitation in the neighborhood district area. By law, the Commissioners are required to hold regular meetings with residents of the Commission area. All business of the Commission is transacted at these meetings.

SENATOR SPECTER:
2. How often do they meet and how is the bulk of their work administered?

MS. BONDS:
2. The ANCs hold monthly meetings with the residents in their respective areas. The sites for these meetings are varied throughout the Commission district so as to allow maximum particpation of residents. At least four meetings per year are designed as citizens' forums for presentations and information sharing from government representatives with the community. Administrative matters, policy hearings, and the ongoing proceedings of the Commission, are handled at the monthly meetings. The decisions of a Commission are made by a majority vote of the Commission members. Commission staff is responsible for maintaining the office and coordinating the daily business of the Commission.

SENATOR SPECTER:
3. What type of reaction did you receive from the residents when the increase in property tax was assessed?

MS. BONDS:
3. In parts of the city where citizens experienced an assessment increase, Commissioners received negative reactions, with comments directed against such action. In turn, the Commissioners held special community meetings for citizens to address their concerns to government staff in attendance.

SENATOR SPECTER:
4. Are they informed of the need for the Advisory Neighborhood Commission? What method do you use to inform the citizens?

MS. BONDS:
4. Residents, city-wide, are informed of the need for the ANCs through public notices disseminated in the community, announcing ANC meetings and other pertinent information. Notices are distributed door-to-door in the community and meeting notices are published in the Washington *Post*, weekly.

DEPARTMENT OF GENERAL SERVICES

SENATOR SPECTER:
1. What are the 22 positions that will be eliminated?

MR. TOUCHSTONE:
1. The 22 positions to be eliminated are:

2 DS-12 General Engineer (Energy)
1 DS-05 Secretary
1 SW-11 Maintenance Mechanic Foreman
1 SW-10 Air Conditioner Equipment Foreman
1 SW-08 Painter Foreman
1 LW-10 Electrician Leader
1 LW-10 Pipefitter Leader
1 LW-09 Carpenter Leader
1 RW-11 Mechanic
1 RW-10 Electrician
1 RW-10 Pipefitter

1 RW-09 Plumber
2 RW-09 Painter
2 RW-09 Carpenter Worker
1 RW-08 Electrician
1 RW-07 Carpenter Worker
1 RW-05 Plumber Helper
1 RW-05 Electrician Helper
1 RW-05 Carpenter Helper

SENATOR SPECTER:
2. Who will maintain the facilities when the reduction in force occurs with the custodial service? How will the level of cleaning decrease as you stated in your narrative page 541?

MR. TOUCHSTONE:
2. There will be no reduction in force. Facilities will continue to be maintained by the personnel not lost through attrition. This will mean that the average number of square feet of space to be cleaned by each custodial person will increase. Therefore, although we will continue to empty trash and clean bathrooms daily, items such as vacuuming, sweeping, floor polishing, etc. will be done less frequently.

DEPARTMENT OF TRANSPORTATION

SENATOR SPECTER:
1. Bring us up to date on the progress that is being made on the Center Leg of I-395.

MR. DOWNS:
1. The redesign of the Center Leg, I-395 to meet current standards is nearly complete. Advertisement for bids should take place in July 1983 with actual construction beginning 5 to 6 months later.

SENATOR SPECTER:
2. What is the present status of the no fault insurance? Explain how that program will work.

MR. DOWNS:
2. The effective date of the Compulsory/No-Fault Insurance Act of 1982 (D.C. Law 4-155) is October 1, 1983. The Department of Transportation will undertake various activities to enforce the provisions of the Bill. These activities include (a) verification of insurance coverage through a self-certification process at time of registration or issuance of a reciprocity sticker; (b) the suspension or revocation of the operator license, registration or reciprocity sticker for violations of the act and the holding of hearings pursuant to the Administrative Procedures Act in conjunction with suspension or revocation actions; (c) the referral of prosecutions to the Corporation Counsel; and (d) the billing of expenses from an Administration Fund.

SENATOR SPECTER:
3. How many bridges did you repair or start repairing in 1983? Name those bridges. You stated in your narrative page 492 that you plan to rehabilitate three bridges. Which three bridges do you plan to rehabilitate in fiscal year 1984?

MR. DOWNS:
3. During 1983 work was completed on four bridges. Those bridges were the 14th Street Grade Separation, Benning Road Viaduct, Chain Bridge and Kenilworth over Nannie Helen Burroughs Avenue. Work began on two other bridges during 1983. Those bridges were the Franklin Street Bridge and the New York Avenue Bridge over Anacostia Freeway. Rehabilitation of three bridges will begin in 1984. Those bridges are Key Bridge, George Mason Bridge and the Minnesota Avenue Bridge over East Capitol Street.

SENATOR SPECTER:
1. On what does the Commission base fare decisions for the surrounding jurisdictions?

MR. McGILVERY:
1. With regard to the fares of certificated carriers, the Commission considers whether fares are just and reasonable, the effect of rates upon the movement of traffic, the need for adequate and efficient transportation service at the lowest cost consistent with the furnishing of such service, and the need of revenues sufficient to enable carriers, under honest, economical and efficient management, to provide such service.

SENATOR SPECTER:
2. With the fiscal year 1984 budget request the same as fiscal year 1983, will the Commission be able to maintain the same level of service? Will Maryland and Virginia have to contribute more funds?

MR. McGILVERY:
2. The Commission believes it can maintain its services in fiscal year 1984 without the need for any signatory jurisdiction to appropriate additional funds.

WASHINGTON METROPOLITAN AREA TRANSIT AUTHORITY

SENATOR SPECTER:
1. In 1982 WMATA experienced a 7.2 percent decrease from 1981. What are the statistics for 1983? Did the ridership increase or decrease?

MR. DOWNS:
1. Overall transit ridership for Metrobus and Metrorail declined in 1983 from 1982 by 2.5 percent. Metrobus passengers totaled 102 million in 1982 versus 96.7 million in 1983 or a drop of 5.2 percent. However, in 1983 Metrorail ridership experienced a slight gain of 2.2 percent over 1982. Metrorail carried 59.5 million riders in 1983 and 58.3 million in 1982.

SENATOR SPECTER:
2. Have you received the rail cars that were on order during the WABCO plant strike in May 1982?

MR. DOWNS:
2. The Authority received two (2) prototype vehicles during April, 1983. Commencing with this delivery, a total of 94 vehicles will

be delivered between June 1983 and June 1984. The cars will be delivered to Beech Grove (Indianapolis), Indiana for assembly by AMTRAK.

SENATOR SPECTER:
3. Do you expect the new sections of the rail system to open on time or do you predict a delay?

MR. DOWNS:
3. The Huntington opening is planned for December 1983 and the Shady Grove opening is scheduled for mid-1984. With the arrival of the new Breda rail cars, the Authority will have sufficient equipment to meet this schedule. These two openings will bring the system to 60 miles and 58 stations, almost two-thirds of the 101-mile system. Construction of additional operating segments is proceeding, with the opening of the Orange Line extension to Vienna planned for 1986.

REPAYMENT OF LOANS AND INTEREST

BETSY REVEAL:
The Repayment of Loans and Interest category, commonly referred to as debt service, includes payments to amortize the District's approximately $1.65 billion in outstanding borrowings for capital project construction. Also included in this category is a portion of the debt service cost associated with the construction of private hospitals and St. Elizabeth's Hospital in accordance with P.L. 82-221 which mandates these payments.

The District is requesting $158,735,600 for repayment of loans and interest. Of this amount, $156,546,700 is for capital project construction, $547,600 is for private hospital construction, and $1,641,300 is for Saint Elizabeth's Hospital construction.

The borrowings for capital projects are used for land acquisition, improvements to existing facilities, building construction, and the purchase and installation of fixed equipment. In accordance with the Hospital Facilities Act, the Washington Hospital Center and eight other individual hospitals were awarded construction grants. The District is required to share these costs, which in most cases, are 50% of the grant. The District's contribution is paid annually without interest, and amounts to 3 percent of the total obligation under the Act. The repayment of construction costs for St. Elizabeth's is based on the total number of inmate habitation days chargeable to the District, and is without interest costs.

The Repayment of Loans and Interest category for the Water and Sewer Enterprise Funds consist of repayments of loans to the Federal Treasury for capital projects within the Enterprise Fund, and the District's share of costs for regional construction projects.

The capital projects in the Enterprise Fund involve rehabilitation and improvements to the District's water and sewage treatment facilities and pipe lines. In July 1982, the District signed regional agreements to use water from separate dams and reservoirs in periods of drought; Bloomington, Savage River, and Little Seneca.

The total request for repayment of loans and interest for the Water and Sewer fund in FY 1984 is $22,190,900. Of this amount, $19,897,900 is for Enterprise Fund projects, and $2,293,000 is to satisfy the regional agreements.

The table reflects the distribution of the repayments of loans and interest to specific agencies for which the borrowings were made. Actual FY 1982 Repayment of Loans and Interest expenditures were $125.9 million, of which principal payment was $26.7 million and interest paynent was $99.2 million. Also included are the distributions to agencies of the repayments of loans and interest for FY 1983 and estimated FY 1984. As of mid-year FY 1983, the debt service estimates have not changed.

SENATOR SPECTER:
1. Give a breakdown of the repayment of loans and interest by agency for fiscal year 1982, 1983 and estimated 1984.

BETSY REVEAL:
1. The breakdown of the repayment of loans and interest by agency for fiscal years 1982, 1983 and estimated 1984, is as follows:

REPAYMENT OF LOANS AND INTEREST DISTRIBUTION

FUND/AGENCY:	FY 1982 Actuals	FY 1983 Estimate	FY 1984 Estimate
GENERAL FUND:			
District Agencies			
Department of Housing and Community Development	$ 557.8	$ 72.8	$ 703.1
Metropolitan Development	2,441.9	2,492.0	3,086.6
Department of Corrections	4,598.6	5,126.9	5,809.3
Fire Department	1,363.5	999.6	1,697.8
District of Columbia Courts	2,863.3	3,530.4	3,622.5
Public Schools	25,831.7	31,400.8	32,621.4
University of the District of Columbia	7,871.0	9,426.8	9,937.4
Public Library	2,417.1	2,932.8	3,059.6
Department of Human Services	4,313.5	4,213.7	5,454.2
D.C. General Hospital	2,714.6	2,105.1	3,425.7
Department of Recreation	2,070.0	2,422.1	2,613.0
Office on Aging	1,115.6	655.9	1,410.8
Department of General Services	7,933.0	7,401.7	10,016.5
Department of Transportation	15,047.8	17,527.1	19,011.6
Washington Metropolitan Area Transit Authority	27,529.8	32,644.7	34,773.6
Department of Environmental Services	11,453.2	13,007.0	14,465.5
Washington Convention Center	3,830.1	4,150.1	4,838.1
Subtotal	123,952.4	140,109.5	156,547.7

REPAYMENT OF LOANS AND INTEREST DISTRIBUTION--Continued

FUND/AGENCY	FY 1982 Actuals	FY 1983 Estimate	FY 1984 Estimate
Private and Other Hospitals			
St. Elizabeth's Hospital	1,400.0	1,547.1	1,641.3
D.C. Obligations	547.6	547.6	547.6
Subtotal	1,947.6	2,094.7	2,188.9
Total	$125,900.0	$142,204.2	$158,735.6

REPAYMENT OF LOANS AND INTEREST WATER AND SEWER

SENATOR SPECTER:
1. With the funds requested, have the construction projects been completed?

BETSY REVEAL:
1. The request for the repayment of loans and interest for the Water and Sewer Fund is composed of the following:

Long-term Treasury Loans obtained through 9/30/82	$19,897,829
Little Seneca Lake and Dam	1,616,960
Bloomington - initial and future water supply	676,050
TOTAL	$22,190,839

Most of the Treasury loans are for 30 years, and as of September 30, 1982 the following projects financed with loans obtained through that date were incomplete:

DES Projects
No. 504 - Water Pollution Control Plant
No. 562 - Flow Meter Installation
No. 567 - Sewer Rehab. I & II
No. 569 - Replace Sewage Gas Piping
No. 808 - Crosstown Watermain
No. 817 - Elevated Tank, Anacostia
No. 862 - Replace Switchgear, Anacostia
No. 565 - Add Pumps, Potomac Pumping Station
No. 573 - Combined Sewer Overflow

DES Continuing Projects
No. 501 - Sewer Service Extension
No. 505 - Sanitary Sewer Replacement
No. 801 - Water Service Extension
No. 803 - Trunk & Secondary Watermains
No. 850 - Replace Undersized & Defective Watermains

Washington Aqueduct
No. 117 - McMillan Water Plant Repl.
No. 119 - Major Plant Rehab. & Repl.

No. 121 - Sludge and Washwater Basin Disposal
No. 122 - Dalecarlia Pumping Station
No. 123 - Renovate Dalecarlia Fltr. Bldg.
No. 124 - Rehab. Booster, Dalecarlia

Ground was broken for the Little Seneca project in August 1982, and it is expected that the project will be completed mid 1984. The bonds sold by the Washington Suburban Sanitary Commission have a 20-25 year maturity, depending on the issue.

The Army Corps of Engineers completed construction of the Bloomington Dam and Reservoir in 1981 and the costs are being amortized over a 50 year period.

INTEREST ON SHORT TERM BORROWING

SENATOR SPECTER
1. You have requested $3,750,000 for fiscal year 1984. Will this amount be used only for borrowing from within the city government or how will it be used?

MR. HILL
1. Like other state or local governments, where collections of major revenues like income or property taxes are subject to seasonal variation, the District experiences seasonal receipt-disbursement imbalances within each fiscal year. As elsewhere, each year the District temporarily borrows in anticipation of later revenue collections. The proceeds of such borrowing are used to temporarily finance appropriated expenditures, and are repaid by the end of the fiscal year after revenues have been collected. This typical municipal financing need is even more acute in the District because the accumulated operating deficit means there is no working capital cushion to mitigate these seasonal cash flow fluctuations.
The Home Rule Act originally contemplated and provided authority for the District to meet such short-term financing needs in the municipal debt markets. It is our objective to finance seasonal cash flow requirements in FY 84 through the issuance of municipal revenue anticipation notes, pursuant to provisions of the Act. Although short-term interest rates are generally subject to substantial volatility, our present expectations are that the requisite financing could be accomplished at the net interest and issuance cost of $3,750,000 requested for this item.

DEPARTMENT OF ENVIRONMENTAL SERVICES
(WATER AND SEWER OPERATIONS)

SENATOR SPECTER:
1. With the increase in personnel, what percentage of the backlog is expected to be eliminated?

MR. JOHNSON:
The increase in personnel has already been provided to the Water Revenue Division via the FY 82 reprogramming for the Department. A reprogramming for FY 83 to maintain the increase will be forwarded to the Committee shortly. The FY 84 budget permanently modifies WRD's budget to reflect the increase.
WRD used the increase in personnel to eliminate both the

backlog of problem accounts and the correspondence backlog. The increase will continue to be needed in FY 84 and beyond to ensure that neither of these backlogs recur.

SENATOR SPECTER:
2. Is the process for accurate meter reading now working or is it still being considered?

MR. JOHNSON:
Yes, the process is now working. Meter readings are checked 1 to 3 times in the field and an additional 2 to 3 times in the office before being used as the basis for billing. In the field, the meter reader always checks the current meter reading against the previous one to see if it appears reasonable. If it appears high or low, he double checks the reading immediately. If the meter reading is rejected by the computer as out-of-tolerance (high or low), a second person returns to the address and reads the meter a third time. In the office, the billing staff reviews each meter reading before submitting it to the computer system. Once produced by the computer, all bills (and the meter readings on which they are based) are reviewed by a technician. High bills and low bills are double-checked by a supervisor. All of this is done before releasing a bill for mailing.
WRD has objective proof that this process works. In FY 82, 25% of the telephone calls received by WRD were billing complaints. In FY 83, the complaint rate has fallen to 8%.

SENATOR SPECTER:
3. Has the agency been able to clear up all of the complaints they have received about enormous water bills?

MR. JOHNSON:
3. Yes, all such complaints have been cleared-up. Additional training, supervision and controls have also been established to ensure that such problems do not recur.

SENATOR SPECTER:
1 What action has been taken on delinquent accounts?

MR. JOHNSON:
1. As of October 1, 1981, the Water Revenue Division (WRD) had $19.0 million in delinquent accounts. As of May 1, 1983 WRD had $22.3 million in delinquent accounts. Of this amount, however, WRD has filed liens or received partial payment plan commitments for $3.8 million, leaving $18.5 million still to be pursued. More than 51% ($9.5 million) of the $18.5 million is owed by master-metered apartment buildings (one meter serving multiple units in an apartment building). The District's policy prohibits cutting-off water service to such accounts, however, regardless of the outstanding balance.

As a result of WRD's aggressive water service cut-off program in the last 18 months, the dollar value of delinquent residential accounts has dropped by 27% from $5.7 million in October, 1981 to $4.5 million in May, 1983. WRD has also reduced the total number of delinquent accounts by 22% (from 26.3 thousand to 20.6 thousand). The dollar value of commercial accounts has risen during this period by 35% ($13.2 million to $17.8 million), primarily because of the difficulty in collecting from mastered-metered apartments.
To further reduce the overall delinquent balance, WRD has taken the following actions:
. Established a Credit and Collection Branch and staffed it with experienced collectors.
. Filed more liens (liens filed to date in FY 83 already exceed the dollar value of liens for all of FY 82 by 73% [$700,000]).
. Drafted new legislation to enhance its collection powers especially with regard to master-metered apartments.

SENATOR SPECTER:
2. Has the Department of Environmental Services established procedures for prompt mailing of bills for water meter repairs?

MR. JOHNSON:
2. The late mailing of meter repair bills was attributable more to staff limitation at the Water Revenue Division than to inadequate procedures. The meter repair billing function was transfered in April, 1983 from the Water Revenue Division to the Office of the Controller within DES. Sufficient staff is available in the Office of the Controller to ensure timely mailing of these bills.

WASHINGTON AQUEDUCT

SENATOR SPECTER:
Since the Washington Aqueduct pumps an adequate supply of potable water for the District of Columbia, Arlington County and 40 square miles of Fairfax County, Virginia, what percentage of the expense of this operation is each responsible for?

MR. WAYS:
Arlington County and the City of Falls Church, Virginia are charged specific rates for the water they utilize in accordance with the terms of their contracts. These rates are calculated in such a manner as to recover all costs incurred by the Washington Aqueduct (including debt service) in providing the water to them. There is no set percentage of the expense of the operation that each jurisdiction is responsible for, since both cost of service and consumption will vary from year to year. During FY 82, Arlington County paid an amount equal to 14.1 % of the Washington Aqueduct expense and Falls Church paid 10.3 %. The remaining 75.6 % was paid by the District of Columbia. During FY 81, Arlington paid 15.5 %, Falls Church 9.6 %, and D. C. 74.9 %.

WASHINGTON CONVENTION CENTER

SENATOR SPECTER:
1. Is the Convention Center staff at its 100 capacity?

MR. DEMAREST:
1. The Washington Convention Center currently employs 85 people. The total number of personnel is expected to reach 100 by the first quarter of FY 1984.

SENATOR SPECTER:
2. How far away from full capacity booking for the Convention Center do you expect to be this year?

MR. DEMAREST:
2. In FY 1983, the Convention Center expects to reach 85% of its full booking capacity. When the events booked in the Convention Center attract at least 300,000 convention delegates, full booking capacity will have been reached. In order to attract large numbers of convention delegates, the number of national conventions and trade shows booked in the Convention Center will have to increase. In FY 1983, the 92 events booked in the building include 5 national conventions and trade shows, and 87 local multiple and single-day events.

SENATOR SPECTER:
3. What process did you use to determine who would get the contract for the seats to be installed in the Convention Center?

MR. DEMAREST:
3. In accordance with the Convention Center's Procurement Regulations, specifications for automated telescopic platform seating were developed by staff, incorporated into a Request for Proposals, and advertised in the Washington Post. The Request for Proposals included evaluation criteria, i.e., experience and capability, financial capability, durability of equipment, price, etc. upon which the proposals were evaluated.

Equipment manufacturers were required to submit bids through local minority owned supply companies. An Evaluation Committee comprised of the Convention Center's executive staff and general counsel observed demonstrations by each of the bidders, and individually completed score sheets based on the evaluation criteria. Based on aggregate average scores for each bidder, the Evaluation Committee recommended the bidder with the highest score to the Convention Center's Board of Directors. A final decision is expected to be made by the Board in its next Board meeting.

LOTTERY AND CHARITABLE GAMES CONTROL BOARD

SENATOR SPECTER:
1. How much revenue was generated for the District from the selling of lottery tickets and bingo and raffles from September 1982, to the present time? Give a breakdown on how the funds have been used thus far?

MR. COOPERSMITH:
1. The first lottery tickets were sold beginning on August 27, 1982. Through April 30, 1983, the District has received $10.1 million dollars from the sale of lottery tickets and the licensing of bingo and raffle operations.

Revenues generated by lottery and charitable games operations are transferred to the General Fund and used to support the general obligations of the District.

SENATOR SPECTER:
2. How many applications have you received and approved for the bingo and raffle section?

MR. COOPERSMITH:
2. To date (April 30), we have the following:

	Bingo	Raffle
Total applications received	19	17
Total approved	17	11
Total pending	1	1
Total withdrawn	1	1

SENATOR SPECTER:
3. Have any applicants been rejected? If so, why?

MR. COOPERSMITH:
3. A total of four raffle applications have been rejected for the following reasons:

Number of Organization	Reasons for Rejection
2	Incomplete application
1	Failure to pay license fee
1	Failure to secure bonding

SENATOR SPECTER:
4. What process do you use in order to determine if an organization should be approved or disapproved?

MR. COOPERSMITH:
4. The process requires that each applicant organization submit the appropriate application form along with the required documentation and application fee to the licensing unit of the Charitable Games Division. The licensing unit reviews the application to determine whether it is complete and the appropriate fees have been paid. The application is then reviewed for legal sufficiency pursuant to 2-2501 et. seq., and the rules and regulations governing charitable games (29DCR4551(a)) by the General Counsel's Office.

Once the General Counsel's Office certifies that the application meets the legal requirements, then the Chief of the Charitable Games Division approves and submits the application to the Charitable Games Subcommittee for review, approval and submission to the Board. The Board at their next regular or special meeting will approve or disapprove the application. The affirmative vote of four members of the Board is required for the approval of each bingo or raffle application.

SENATOR SPECTER:
5. There is some speculation that the Commission will move to Anacostia. When will this move take place and will this move take place and will Anacostia be the main office or will the entire operation move there?

MR. COOPERSMITH:
5. The Board has decided to move its headquarters to Anacostia, after certain renovations have been completed on the site selected. It is anticipated that this move will take place in the Spring of 1984.

In addition to the headquarters facility, a downtown claim center will also be provided for payment of claims to lottery winners.

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

SENATOR SPECTER:
1. A reduction of $1,647,500 in the Department of Housing and Community Development is planned. The sum of $758,000 is to be reduced from the House Purchase Assistance program reducing the number of loans from 227 to 164. How many applications are currently pending and how many of these have been submitted during this fiscal year? How many of each are from Ward 8?

MR. CLAY:
1. There are currently a total of 214 HPAP applications pending, of which 193 have been submitted during fiscal year 1983. Thirty-two (32) of the pending applications are from Ward 8, and twenty-seven (27) of these were submitted during this Fiscal Year. It should be noted that the majority of applications submitted are eventually determined to be ineligible upon completion of the review process.

SENATOR SPECTER:
2. Also provide the same information for the Rehabilitation Financing program where a $800,000 cut is proposed.

MR. CLAY:
2. Two applications for multi-family projects with 462 units are pending. Both applications were received this fiscal year and both are in Ward 8. In addition, two other multi-family projects in Ward 8 with 65 units are slated to receive funds from the Rehabilitation Financing program.

SENATOR SPECTER:
3. A consultant study on program evaluation and auditing has been reduced $100,000. How has the proposed reduction affected the scope of the study and information to be provided?

MR. CLAY:
3. The reduction of $100,000 for program evaluation and auditing includes $50,000 from the Director's Office to be used for consultant study for evaluating Departmental program operations. Rather than reduce programs which directly and immediately benefit District residents, the Department reduced funds for this activity, which can be carried out by existing staff. A reduction

of $50,000 for the Upshur Street Clinic is also proposed. The Department will instead use Federal grant funds to conduct the study to determine the best use of this District owned property.

D. C. HOUSING FINANCE AGENCY

SENATOR SPECTER:

1. By reducing the tax-exempt loan program of the Housing Finance Agency by $772,000 to $1.8 million, how many projects representing what type and how many units will be deferred? What interest rates are these bonds drawing?

MS.OAKLEY:

1. In light of the ever changing conditions of the capital markets, it is difficult to estimate the effect of a funding decrease in absolute terms. The major program emphasis of the Housing Finance Agency in FY 1983 will be the implementation of a single family home mortgage program. The funds in question would be used to reduce the interest rate afforded to low and moderate income persons or to pay mortgage origination fees. If the Agency were to contribute two percent (2%) of the anticipated mortgage amount for either of the above purposes, the effect of a reduction of $772,000 in program subsidy funds would be a reduction in the number of mortgages made from 1,429 to 877 during FY 1983. Thus the impact is such that the single family program would be reduced to 61% of the volume anticipated in the Agency's initial budget request.

Currently, the Agency is able to issue 30 year tax-exempt bonds paying approximately nine percent (9%) to the bondholders. The Agency makes loans at one to one and one-half percent over its borrowing rate, for an effective rate at this time to low and moderate income borrowers of ten percent (10%) to ten and one-half percent (10.5%).

D.C. FIRE DEPARTMENT

SENATOR SPECTER:

1. A portion of the request for the Fire Department will fund increases due to a memorandum of understanding with the fire fighters union. Please give us some details, when was this agreement signed, for what reason and where will the balance of the funds be taken? Also what is the annual cost of this agreement, is that amount included in the 1984 budget?

CHIEF COLEMAN:

1. On July 9, 1982 the District of Columbia and Local 36, International Association of Firefighters signed a memorandum of understanding which settled a dispute over the meaning of Section 1-1613. 3(a)(1) of the Comprehensive Merit Personnel Act (D.C. Law 2-139 approved March 3, 1979).

The memorandum of understanding increased the amount of annual leave earned by members of the Firefighting Division. Members with less than three (3) years of service now earn six (6) hours of annual leave each pay period instead of 4.8 hours; members with four (4) to fifteen years of service now earn nine(9) hours instead of 7.5 hours, and members with fifteen years of service will now earn twelve (12) hours of annual leave instead of 9.6 per pay period. On the average members will receive 4.35 days of leave each year. The average leave earned rose from 17.88 days per year to 22.23 days per year.

There is a retroactive provision in the memorandum which allows members to accrue "Special Compensatory Time" in lieu of the additional annual leave they would have earned between January 11, 1981 and September 4, 1982. A total of 90,387 hours or 7,532 days was earned under this provision.

If each position provides 162.3 net days annually at the workstation, then thirty-two (32) additional positions will be needed to provide adequate staff to fill in while members are absent for the additional leave. Another nine (9) positions will be needed for the next five years while the Special Compensatory Time Bank is dissipated.

The FY 1983 cost of these positions is as follows:

Personnel Compensation	
1 Battalion Fire Chief @ 39,994	$ 39,994
2 Sergeants @ 25,195	50,390
38 Firefighters @ 18,551	704,938
41	$795,322
41 Benefits @ 1,527 each	62,607
Total Personnel Compensation	$857,929
Other Than Personnel Compensation	
41 Uniform @ 1,051 each	$ 43,091
41 Outside Medical @ 208 each	8,528
Total OTPS	$ 51,615
Total FY 1983 Cost	$909,548
ADD: 7% of $795,322 for FY 1984 Pay Adjustment	55,672
Total FY 1984 Cost	$965,220

A copy of the memorandum of understanding is attached for your information.

The cost of the agreement will be absorbed within the $4,241,700 increase in Personal Service funds.

SENATOR SPECTER:
2. Where will the repairs to the John H. Glenn, Jr. be done? What is the total cost of all planned repairs?

CHIEF COLEMAN:
2. The Glenn will be repaired in the yard of the most responsive bidder. This yard will probably be located in the Norfolk, Baltimore, or Delaware area. Five hundred thousand dollars is being budgeted for the work.

MEMORANDUM OF UNDERSTANDING
BETWEEN
THE DISTRICT OF COLUMBIA
AND THE
LOCAL 36, INTERNATIONAL ASSOCIATION OF FIREFIGHTERS

1. As the present average workday for all members of the bargaining unit of the Firefighting Division of the Fire Department is considered for pay and leave purposes to be twelve (12) hours, the District Government and Local 36, International Association of Firefighters agree that by the first full pay period in September 1982, annual leave will be computed for those members of the unit as follows:

   a. Employees with less that three (3) years service -- six (6) hours for each bi-weekly pay period.
   b. Employees with three (3) but less than fifteen (15) years service -- nine (9) hours for each bi-weekly pay period.
   c. Employees with fifteen (15) or more years of service -- twelve (12) hours for each bi-weely pay period.

This agreed upon construction will be effective the first full pay period after January 1, 1981, and shall apply to all bargaining unit members of the Firefighting Division on board on or after the date of execution of this Memorandum of Understanding. Any difference between annual leave credited to members of the Firefighting Division since that effective date and the amount to which entitled pursuant to this Memorandum of Understanding will be accounted for in the following manner:

Each eligible member will be credited with Special Compensatory Time* for any such difference. All Special Compensatory Time so credited must be used within five (5) years from the date of being credited to the employee and may not be accrued. Special Compensatory Time may be used in lieu of approved leave and must be scheduled and approved in the same manner as approved annual leave so as not to disrupt the operations of the Department. Special Compensatory Time pursuant to this Memorandum will not be credited to accumulated annual leave or sick leave for retirement or other purposes for which annual or sick leave may be credited, nor shall it be payable upon termination of employment.

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*This Special Compensatory Time is intended to be distinct from "compensatory time" and other leaves as those terms are defined in the collective bargaining agreement and Personnel Rules and Regulations

II. Annual leave used by unit members in the Firefighting Division shall continue to be recorded by using the following formula:

a. During the day shift of 10 hours, one and two-tenths (1.2) hours of leave shall be charged for each hour taken;

b. During the night shift of 14 hours, .9 hours of leave shall be charged for the first hour taken,

1.7 hours charged for 2 hours taken
2.6 hours charged for 3 hours taken,
3.4 hours charged for 4 hours taken,
4.3 hours charged for 5 hours taken,
5.1 hours charged for 6 hours taken,
6.0 hours charged for 7 hours taken,
6.9 hours charged for 8 hours taken,
7.7 hours charged for 9 hours taken,
8.6 hours charged for 10 hours taken,
9.4 hours charged for 11 hours taken,
10.3 hours charged for 12 hours taken,
11.1 hours charged for 13 hours taken, and
12.0 hours charged for 14 hours taken.

III. Effective the last day of the 1982 leave year the annual leave accumulation ceiling shall be adjusted to provide for a maximum accumulation for use in the succeeding leave years of 360 hours.

IV. All other related annual leave provisions not modified by this Memorandum of Understanding shall continue to be governed by the Department's Orders and Regulations.

V. This Memorandum will terminate upon either:

1. any change in the average workday of the Firefighting Division making it other than 12 hours; or,

2. Any change in the statutory annual leave provisions for the Firefighting Division.

Local 36 agrees that this Memorandum of Understanding will settle any and all claims, grievances or appeals that Local 36, for itself or on behalf of any member of the bargaining unit, may file against the District Government resulting from the annual leave provisions of Section 1-613.3 (a)(1) of the Comprehensive Merit Personnel Act.

Date: 7/9/82

FOR THE DISTRICT OF COLUMBIA
GOVERNMENT

FOR THE UNION

Office of Labor Relations and
Collective Bargaining

Theodore R Coleman
Fire Department

Approved:
Marion S. Barry Jr., Mayor

DEPARTMENT OF CORRECTIONS

SENATOR SPECTER:
1. The Department of Corrections request is for an additional $6,130,300 and 92 positions. The major portion or $4,892,600 relates to higher than anticipated prison populations. As a result, have you reestimated your fiscal year 1984 population figures.

MR. PALMER:
1. The FY 1984 budget population projections are being reexamined in light of the continued population growth in FY 1983. As of May 20, 1983 the institution based population was 5,118. This number is 338 over the FY 1984 Budget request of 4,780. The revised FY 1984 population projection is expected to be at least 5,180, or 400 over the FY 1984 request, without a strong policy shift.

Alternatives to incarceration continue to be explored. However, with a little over four months left in FY 1983, alternative solutions to incarceration will not have the impact necessary to reduce our population prior to the end of the fiscal year. The Districts new mandatory sentencing law for drug and weapon offenders is expected to further increase our population, though the greater part of the projected increase of 300 will occur in FY 1985.

SCHOOL TRANSIT SUBSIDY

SENATOR SPECTER:
1. The supplemental proposed, decreases the School Transit Subsidy from $5,681,000 to $3,809,900, a reduction of $1,871,100. How is that possible?

MRS. ALSTON:
1. The new regulations that we have introduced over the last 18 months, to control ineligible student travel, have been much more successful than originally projected. These controls coupled with the rise in the student contribution to 25 cents, have effectively reduced the total number of subsidized trips made by students on METROBUS and METRORAIL.

Our budget projections have been based on actual ridership counts to date and extrapolated to reflect the full 12 months of the fiscal year. We would like to stress that no student will be denied subsidized transportation to and from school, and to and from educationally related activities.

SENATOR SPECTER:

1.A. How was the pay cost estimate for the Department of Human Services underestimated by the $2.3 million being transferred in?

MR. BUFORD:

1.A. During the preparation of the FY 1983 budget an incremental process was used. Therefore, in using this method $90,327.4 was allocated for personal services.

However in November of 1982, the Department of Human Services completed an analysis of paid employees and came up with an amount of $95,10C.0 to fund paid employees for FY 1983. An attrition plan was implemented in order to reduce this amount by $2,000.0, leaving a balance of $93,100.0 to be funded. The Office of the Budget allocated a pay adjustment of $2,300.0 which resulted in reducing the personal service's amount to $90,800.0. Therefore, the Department of Human Services will have to absorb $473.0 as well as any amount not reduced by attrition.

SENATOR SPECTER:

1.B. Are these funds going to replace pay funds used for other purposes ealier in the year--if so what purposes?

MR. BUFORD:

These funds are not going to replace pay funds used for other purposes earlier in the year.

DEPARTMENT OF TRANSPORTATION

SENATOR SPECTER:
1. How will the reduction of $544,600 in the DOT budget affect the programs reduced - specifically tree trimming and snow supplies?

MR. DOWNS:
1. The reduction of $544,600 will not have significant negative impacts on the programs operated by the Department. The reduction includes a savings of $300,000 which will be generated by not filling positions vacated by attrition. Emphasis will be placed on back filling positions that provide direct services to the public or are directly related to revenue production. Some service delays or backlogs may occur especially during times of peak demand. A savings of $42,000 in guard service was achieved because the Department was able to install a security alarm system at our parking enforcement headquarters. The Department will save $17,100 by delaying issuance of uniforms to non-enforcement personnel. Funding of $58,000 has been utilized in the past to augment departmental employees in removing dead and diseased trees and limbs. This reduction will not allow us to contract for these services, however, we do not believe this will have a significant effect on our tree maintenance program. The Department had a sufficient inventory of salt on hand at the beginning of the winter season to allow for a $125,000 reduction in the purchase of salt. A savings of $2,500 will be realized by curtailing travel.

WATER AND SEWER ENTERPRISE FUND

SENATOR SPECTOR:
1. By eliminating the planned General Fund transfer of $5,427,000 to the Water and Sewer Enterprise Fund, will the fund run a deficit in 1983?

MS. REVEAL:
1. The financial plan supporting the FY 1983 appropriations request for the Water and Sewer Fund relied on three new sources of financing to achieve a fund balance for the year: an $11.8 million subsidy transfer from the General Fund, a $5.4 million water and sewer payment to the utility in lieu of charges to General Fund agencies, and $17.7 million from a planned rate increase. The FY 1983 appropriations act excluded the $11.8 million subsidy transfer but reduced estimated fund expenses by only $2.2 million, thus causing a potential FY 1983 loss of $9.6 million. Further work required to stabilize water billing necessitated delaying the rate increases until FY 1984, and later projections of FY 1983 interest, depreciation and other expenses not budgeted on the same basis indicated that total fund expenses might be $0.8 million higher than when the appropriations were made. A review of revenue estimates prefatory to proposing the FY 1984 rate adjustment suggested that FY 1983 revenues would be $3.5 million higher originally than estimated. All of these factors pointed to a likely $21.8 million loss in the Water and Sewer Fund for FY 1983. The elimination of the $5.4 million payment in lieu of charges to General Fund agencies raises this probable loss to $27.2 million.

ENERGY ADJUSTMENT

SENATOR SPECTER:
1. Please explain why savings of $2,078,500 were not possible in the energy object class?

MS. REVEAL:
1. In approving the FY 1983 Budget the District of Columbia Council acted to reduce the overall energy budget by $2,078,500. This reduction represented the difference between the petroleum cost estimates for FY 1983 employed by the District in budget preparation and the actual costs being experienced at the time the Council reviewed the budget. The reduction was not offset by potential underbudgeting for fuel and electric costs or for the fact that the estimates used in budget planning for these energy sources was lower than actually being experienced at the time of Council review.

The supplemental restores these funds to the energy line to compensate for higher than expected costs in electricity and natural gas. The following table is a comparison of original budget assumption and actual FY 1983 experience. As is shown, the negative adjustments in petroleum are offset by positive variances in gas and electricity. Petroleum represents approximately 25 percent of our energy needs, and non-petroleum 75 percent.

Table I
Comparison of Original Estimated and Current Costs

	Original DGS EST. (Aug 1982)	JAN 83 AVG. COSTS	Difference Original/ January 1983
Electricity: ¢/KWH	16.5%	18.0%	+ 1.5
Petroleum: $/gal			
Fuel Oil #1	1.455	1.0948	- 0.0328
Fuel Oil #2	1.247	1.0268	- 0.055
Fuel Oil #4	1.086	0.9652	- 0.110
Fuel Oil #5	...	...	...
Fuel Oil #6	1.016	0.8394	- 0.133
Gasoline	1.444	1.0777	- 0.002
Diesel	1.247	1.0467	- 0.747
Aviation Fuel	2.046	1.9700	- 0.200
Natural Gas ¢/Therm	22%	22%	+ 4.2%
Steam: $/1000 lbs	15.00	15.00	- 1.00
Coal: $/Ton	73.00	73.00	- 8.00
Propane Gas: $/gal	0.928	0.928	- 0.038

WASHINGTON CONVENTION CENTER

SENATOR SPECTER:
1. An amount totaling $680,700 will finance 25 new positions needed since the Center began operations. Please explain this need.

MR. DEMAREST:
1. The original FY 1983 estimate of the number of anticipated events was 30. The actual number of events booked for FY 1983 is 112, an increase of 82 events or 73% over original projections. While a portion of the increased number of events are local single-day events, a significant portion is represented by local multiple-day public shows. For instance, it was projected that the Center would host 10 multiple-day local events in FY 1983. The actual number of scheduled multiple-day local shows is 42. The increase in events activity requires a corresponding increase in personnel to accommodate increased show set-up, support and clean-up requirements. Further, actual experience with the first several events held at the Center indicated that the original estimates of the Center's total personnel needs were considerably underestimated and conservative. The supplemental request is intended to permit adequate manpower to carry out building maintenance, event set-up and clean-up, security functions, as well as the escalating administrative duties.

To provide event set-up, general support, security and clean-up:

- Three electricians are needed to meet the greater than anticipated electrical orders and service requirements for scheduled events for which the Center has had to rely on part-time electricians who are unfamiliar with the Center and its operations;

- Ten event attendants are needed to perform room set-ups, maintenance, clean-up and generally to handle last minute requests from exhibitors which require a greater degree of familiarity with the Center and its operations and reliability than can be expected of part-time employees;
- Eight security guards are needed to assure adequate security coverage, particularly for large events and/or days when multiple events are held in the building.

To assure timely completion of administrative functions:

- Three accounting assistants are needed to perform the greater than anticipated day-to-day accounting functions, as well as the increase in event related accounting duties;
- One clerk typist is needed to assure timely response to written and telephone communications which have increased fourfold since the move into the Center, and to maintain a reliable information retention and retrieval system.

SENATOR SPECTER:
2. This amount is identified as coming from operating revenues. Are these in excess of anticipated operating revenues, if not what was the planned use of these funds? What is the status of taxes dedicated to the support of the Center in relation to original estimates?

MR. DEMAREST:
2. The $680,700 is not an amount in excess of anticipated operating revenue. The original estimate of $1,862,000 in excess revenue after operating expenditures, which would have been returned to the District's General Fund, has been revised downward to $1,181,000 to reflect the supplemental requested amount of $680,700. As of April 1, 1983, year-to-date tax collections equal $4,004,000, compared to the estimate of $4,104,000.

SENATOR SPECTER:
3. How much was spent by the District to attract the 1984 Democratic National Convention? What was the source of these funds?

MR. DEMAREST:
3. The overall cost of the District's efforts to attract the Democratic National Convention is far greater than the amount of $154,005 expended by the Convention Center. For example, the 1984 Host Committee raised in excess of $31,800 through private donations to defray expenses associated with the site visit. These funds were used primarily to underwrite the cost of food services. In addition, various pro bono services were provided at the sponsored events by local businesses and private citizens. It is anticipated that the bulk of the funds expended for consulting services and printing will be reimbursed to the Convention Center's Enterprise Fund from the District's General Fund. Of the total amount, $80,389 supported consultant services, $31,067 provided printing and photography services, $13,119 was devoted to equipment rental and event set-up support, $5,713 provided promotional give-aways, and $23,717 was expended for food service. A portion of the total amount was supported by dedicated taxes in the amount of $25,000, while the remaining $129,005 came from the Center's Enterprise Fund.

Lottery and Charitable Games Control Board

Senator Spector

1. The Lottery Board requests a supplemental of $1.5 million and 29 new positions. This is more than double the amount of money in the Boards original budget. Why was the original estimate so far off?

Mr. Coopersmith

1. The original FY '83 Budget was prepared in December, 1981 when we had no experience in conducting a lottery operation and there were no industry standards for budget formulation in this area. Additionally the Board did not have its staff in place and had to use its best judgement in determining cost.

   Now that we have been operational and gained experience, we are much more aware of the cost associated with our mission and recognize the gross unestimation of our original request.

Senator Spector

2. The 29 positions are for administration, where 24 positions already exist, what will these new position do? Do the Lottery Division and Bingo and Raffle Division have sufficient staff to perform their functions?

Mr. Coopersmith

2. The mission of both the Lottery Division and Charitable Games Division (Bingo and Raffle) is the only reason for the needed increase in the administrative area. These statutory division, has as their primary function, the implementation of D.C. Law 2-2501 et seq and the establishment of corresponding rules and regulations that govern its accomplishment.

   The need to insure that the public is protected against fraud, and the integrity of our lottery operations is maintained through these policies, require more manpower to enforce them.

   The Lottery Division and Bingo and Raffle Division have sufficient direct staff to perfrom their functions and its supported by the entire resource of this Agency.

Senator Spector

3. How long does it takes to get a bingo or raffle permit?

Mr. Coopersmith

3. Thru the cooperation of several District Agencies, we conduct a series of checks to insure that the orgianziation seeking a permit meet all requirement of our regulation to protect the public againist fraud. This process can be accomplished within a three to five week period depending on the proper completion of the application submitted.

Senator Spector
4. Did you attempt to determine if private contractors could provide some of these services at less expense - if so, what did this analysis show? Of particular interest are data processing and guard services.

Mr. Coopersmith
4. In prior appearance before this Committee, it recommended we seek outside experts to assist us in carrying out our function as a Board. We have taken this advice and retained private contractor where to the largest extent practical.

With respect to the guard service, we have contracted this function out through the District Department of General Services, however, the data processing function is vital to maintaining the control and integrity of our lottery operation and it is the feeling of the Board that we retain this function in-house.

Senator Spector
5. Whey can't the Board use the Corporation Council instead of hiring its own attorney.

Mr. Coopersmith
5. The Board uses the Corporation Council whenever it is appropriate, however, an enhance attorney must be available for the day to day function of this Agency. Among these function would be:

a. Drafting rules and regulations which govern the operation of the Board and any amendments required.

b. Drafting of solicitation for request for proposals and contracts after selection; continuous montoring of contracts.

c. Legal reveiw of Bingo and Raffles as well as the Lottery Division for licensing of Agent and Charitable games.

d. Assistance to the Board in policy formulation for personnel and administration.

OFFICE OF FINANCIAL MANAGEMENT

SENATOR SPECTER:
1. The Office of Financial Management allowance would be reduced by $1,359,000. Of that amount $192,600 comes from technical assistance reducing the ability of the ADP support personnel to make improvements to financial systems. Which systems would be affected and how long would the planned improvements be delayed?

MR. HILL:
1. The "Disengagement Documents" of the Temporary Commission on Financial Oversight of the District of Columbia, published in June 1981, included a comprehensive outline of additional tasks to be

funded if FMS were to be the complete system originally envisioned. This outline represented the best thinking of the Commission staff, the General Accounting Office, and the District staff. The estimated cost was a minimum of $12 million and a maximum of $17 million. Since that time, we have continued to work on many of these projects--without this considerable additional funding--using our own District resources to the maximum extent possible. Many of the projects have been set aside. Some have been modified and delayed in part. Others we have completed or are actively working on, including a fixed assets management system, activation of the vendor file, and modifications to the payroll and personnel systems. Among those activities currently delayed are a comprehensive training program, procedures manuals and improved documentation, an inquiry capability to determine current source-of-funding data, and major improvements to the grants management system.

SENATOR SPECTER:
2. Also deferred would be the purchase of computer equipment totaling $1.2 million. What is the revised purchase schedule?

MR. HILL:
2. At the present time, we have not identified an alternative source of funding for equipment replacement. A technical planning group has been activated, however, and is developing alternative strategies and implementation plans for replacement of this equipment, which will be necessary as we explore alternative funding.

SENATOR SPECTER:
3. Part of the reason for replacing existing equipment is delays in processing and extensive outages. How much faster is the proposed equipment and on a monthly basis, how much of the time was the computer down for other than routine maintenance? Also, include the type of problem and amount of time each caused outages.

MR. HILL:
3. Although a new generation of computer will provide much faster internal processing, it is not this processing speed which is of critical concern to us. The two most important factors will be the dependability of the equipment and the more sophisticated operations which will allow us to perform a wider range of applications at the same time, rather than the limited activities we can now process on the current equipment. The following recent performance data from the data center indicates the problems and performance levels we are experiencing currently. Over the past several years, the primary technical cause of system downtime has been with the storage or main memory segment of the hardware configuration.

Blue System (FMS)

March 1983:

Scheduled Operation	552:00	hours
Scheduled Downtime	1:22	
Unscheduled Downtime	24:04	

Available 95.4% of scheduled operation

Problems:

Communications	0.03%
Systems Test	0.20

Blue System (FMS)--Continued

Remedial Maintenance	0.08
Device Malfunction	0.30
Channel Malfunction	0.60
Storage Failure	3.10
Other	0.30

April 1983:

Scheduled Operation	512:00	hours
Scheduled Downtime	7:46	
Unscheduled Downtime	30:54	

Available 92.5% of scheduled operation

Problems:

CE Errors	0.08%
Systems Test	0.09
Remedial Maintenance	1.40
Device Malfunction	0.10
Channel Malfunction	1.40
Storage Failure	4.30
Other	0.10

Red System (Payroll, Finance & Revenue, etc.)

March 1983:

Scheduled Operation	512:00	hours
Scheduled Downtime	14:06	
Unscheduled Downtime	8:45	

Available 95.5% of scheduled operation

Problems:

CE Errors	0.09%
Systems Test	0.05
Remedial Maintenance	2.40
Device Malfunction	0.60
Channel Malfunction	0.02
Storage Failure	0.70
Other	0.64

April 1983:

Scheduled Operation	552:00	hours
Scheduled Downtime	8:43	
Unscheduled Downtime	57:57	

Available 87.9% of scheduled operation

Problems:

Operations Delays	0.08%
Communications	0.10
Systems Test	0.40
Remedial Maintenance	0.80
Device Malfunction	1.30
Channel Malfunction	9.00
Storage Failure	0.09
Other	0.30

Questions Submitted by Senator Leahy

CONVENTION CENTER

QUESTION:
1. The Civic Center was approved on the basis that costs would be held below $100 million. The District's 1978 report shows an estimated cost of $98.7 million of which $21.4 million in site costs would be paid from taxes collected under D.C. Law 2-58. Please show below the total costs of the site construction of the center, and other facilities and equipment. For all additional costs above the original estimate, please specify the reason for the increase and the source of funding. In this connection, we would also like you to provide an analysis of your current debt service position vis-a-vis the 14 percent Home Rule Act debt service limitation.

ANSWER:
1. The following chart shows the original total project appropriation and cumulative expenditures for Convention Center construction and site acquisition through FY 1983. While the construction cumulative expenditures are expected to equal the original estimate and the project appropriation by the end of FY 1983, site acquisition expenditures exceed estimates by $272,666.

Site acquisition costs were increased beyond the original 1978 estimates because relocation and demolition costs have been larger than expected. More businesses were successfully relocated rather than liquidating and the number of families who filed claims was larger than expected. Demolition costs were unexpectedly high as previous unknown foundations and sealed basements were discovered, and the District was required to preserve intact and transport to new locations selected parts of buildings being razed.

In order to provide funding for these additional site acquisition expenditures a supplemental appropriation of $774,000 was made for FY 1982 in the Convention Center operating budget.

Convention Center Construction and Site Acquisition Expenditures
($000s)

Appropriation/ Phase	Total Project Appropriations FY 1978 - 1981	Expenditures			Difference with Project Authority
		Actual Thru FY 1982	FY 1983 Estimate	Total	
Preliminary Survey	600	587	...	587	(13)
Construction Services	6,700	4,622	2,078	6,700	...
Construction ..	67,000	58,515	8,485	67,000	...
Equipment	3,000	419	2,581	3,000	...
Subtotal ..	77,300	64,143	13,144	77,287	(13)
Site Acquisition .	21,400	21,672	...	21,672	272*
Total	98,700	85,815	13,144	98,959	259

* Funded by the Convention Center operating budget

The FY 1983 total debt service on U.S. Treasury loans is $156,836,000 which is 8.4 percent of estimated, adjusted FY 1983 revenues.

Of the debt service amount, $4,369,000 is associated with borrowing required for construction of the Center.

Although the site acquisition loans were made using the proceeds of Treasury loans via the Capital Projects Fund, insofar as the site acquisition loan has been entirely repaid, there is no effect on the District's debt service as a result of the short-term borrowing. Instead, the repaid principal is being used to finance other capital projects.

QUESTION:
2. The District's September 1978 report set forth the plan for financing the Civic Center, as required by Congressional action as part of the approval agreement pertaining to the authorization of initial Civic Center funding in fiscal year 1977. Certain estimates were set forth in the report regarding costs, revenues, and the cumulative net position of the center from 1979 through 1983. Please provide the actual amounts for the schedule shown below; for 1983 show actual year-to-date and an estimate for the remainder of the year.

ANSWER:
2. Since 1978 the accounting for District enterprise fund financial transactions has changed considerably in general, and for the Convention Center Fund in particular. Therefore, the information requested is provided in a different format than requested to avoid mixing income statement and balance sheet concepts.

In order to finance the cost of the site acquisition and related expenditures such as those for demolition and relocation the Convention Center fund borrowed from the Capital Projects Fund on a short term basis. This was necessary because the taxes that had been allocated to the Convention Center have not provided sufficient cash to meet the acquisition costs. The total borrowed through FY 1982 was $21,400,000. Excluding capitalized interest, total site acquisition capitalized expenses were $21,672,666 through FY 1982, but $272,666 was financed directly by the Center's operating budget per the FY 1982 supplemental appropriation.

The repayment of the short-term acquisition loan was financed by the allocated taxes. Interest paid to the General Fund on the loan took into account the fact that while the Convention Center borrowed $21,400,000, the General Fund had use of the cash of the allocated taxes during this period. The following chart shows the history of site acquisition borrowing and debt repayment:

Convention Center Site Acquisition Loan
($000's)

	FY 1979	FY 1980	FY 1981	FY 1982	FY 1983 Est.
Outstanding loan balance, October 1	...	14,827	8,687	3,588	...
Site acquisition expenditures Short-term loan	14,827	5,819	754	...	...
Repayment of loans and interest:					
Principal (To Capital Project Fund)	...	11,959	5,853	3,588	...
Interest (To General Fund)	...	1,005	565	...	...
Total	...	12,964	6,418	3,588	...
Outstanding loan balance, September 30	14,827	8,687	3,588	...	...

The next chart shows the relationship between Convention Center Fund revenues, expenses, the operating transfer back to the General Fund, and the accumulated retained earnings.

The chart starts in FY 1980 which was the first year there was an audited income statement. All enterprise fund cash in excess of $500,000 has been transferred to the General Fund for each fiscal year. The repayment of the site acquisition debt affected only the fund assets and liabilities and not the equity accounts.

Convention Center Income Statement FY 1980 - FY 1984
(000's)

	FY 1980	FY 1981	FY 1982 [a]	FY 1983 YTD	FY 1983 Est.	FY 1984 Est.
Revenue						
Operating	...	...	...	749 [b]	1,868	5,715
Taxes	5,605	6,707	6,682	4,004	7,775	7,800
Total	5,605	6,707	6,682	4,753	9,643	13,515
Expenses						
Operating	(28	(369)	(1,048)	(3,314) [d]	(8,405) [c]	(9,617)
Income (loss) before operating transfers	5,577	6,338	5,634	1,439	1,238	3,898
Operating transfers in (out)	...	...	(1,668)	N/A	(1,238)	(3,898)
Net income (loss)	5,577	6,338	3,966	N/A	...	...
Retained earnings (deficit) at beginning of year	6,403	11,980	18,318	22,284	22,284	22,284
Retained earnings (deficit) at end of year	11,980	18,318	22,284	N/A	22,284	22,284

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a/ The annual FY 1982 financial statement shows results of operations on a net basis with net resource requirements transferred to the Convention Center Fund from the General Fund. This presentation is on a gross basis showing all allocated revenues going to the Convention Center first and the excess transferred back to the General Fund.

b/ Revenue earned, January through April 1983.

c/ Cash collections through April 1983.

d/ Including the third supplemental request pending before the District Council.

QUESTION:

3. According to the District's 1978 report, an amount of $7.1 million per year in new tax revenues was the minimum required by 1985 to meet the Congressional Mandate. The report states that contacts and interviews with various groups identified enough new development prospects to generate at least $40 million annually by 1985. In fact, the report contains a schedule showing total taxes of $42.3 million, related to spin-off revenues resulting from the Center's construction.

Please submit a schedule showing the progress made toward that goal. Show type of tax, by amount and year, from 1979 through 1983 to date. For D.C. Law 2-58 taxes please show the total amount collected since implementation, and the portion allocated to the Center.

ANSWER:

3. The estimated spin-off revenues from development projects generated by the Convention Center for the period 1979-1983 is indicated below:

TAX TYPE	1979	1980	1981	1982	1983 (Prelim.)
Property	$238,924	$1,064,991	$ 4,453,578	$ 7,759,654	$ 9,853,466
Sales	514,778	718,819	4,969,769	7,017,497	8,456,160
Ind. Inc.	28,376	59,076	223,295	270,640	367,292
Franchise	21,024	51,119	387,663	557,569	699,275
Parking Sales	---	37,582	250,080	286,452	364,952
Annual Total	$803,102	$1,931,587	$10,284,385	$15,891,812	$19,741,145

D.C. Law 2-58 taxes collected since implementation are shown in the table below by fiscal year:

Fiscal Year	Hotel Taxes ($000)		Corporate & U.B. Franchise Surtax ($000)		Total D.C. Law Taxes ($000)	
	Total	Allocated	Total	Allocated 1/	Total	Allocated
1983 (thru April)	$ 1,931	$ 1,931	$ 4,146	$ 2,073	$ 6,077	$ 4,004
1982	3,236	3,236	6,892	3,446	10,128	6,682
1981	3,677	3,677	6,060	3,030	9,737	6,707
1980	3,206	3,206	4,798	2,399 2/	8,004	5,605
1979	3,154	3,154	6,148	3,074	9,302	6,228
1978	1,095	1,095	2,344	1,172	3,439	2,267
TOTAL	$16,299	$16,299	$30,388	$15,194	$46,687	$31,493

1/ 50 percent of total corporate and unincorporated business franchise tax allocated to Convention Center.

2/ Reflects impact of professionals' refund per Bishop Case.

QUESTION:
6a. Due to the construction of the Convention Center, what is the amount of increase in assessed value from tax year 1978 to tax year 1983, within three (3) blocks of the Center?

ANSWER:
6a. Attached is a computerized printout showing the identification of the property, land and building breakdown for tax years 1978 and 1983 and the increase in assessed value for same. The overall assessed value increase for 1,178 properties within a three (3) block radius including the Convention Center between 1978 and 1983 was $1,072,702,286, an increase of 244.7 percent.

QUESTION:
6b. What new development has taken place in the area, by use type, and the amount of increase in assessed value from tax year 1978 to tax year 1983?

ANSWER:
6b. The following is a list of new construction and major remodeling for buildings within three blocks of the Center:

Sq. 247, Lot 92 - 1101 14th Street, N.W.
New Office Building, finished 1983 - Cost $7,922,000

Sq. 247, Lot 93 - 1111 14th Street, N.W.
New Office Building, unfinished - Cost to date $2,865,000

Sq. 248, Lot 812 - 1339 K Street, N.W.
Office Building, remodeled in 1980 - $3,848,000 added to $276,000
Current improvement assessment for 1984 is $2,941,000

Sq. 250, Lot 46 - 1343 H Street, N.W.
New Office Building, finished in 1982 - Cost $20,455,000

Sq. 250, Lot 47 - 1301 H Street, N.W.
New Office Building, unfinished - Cost to date $7,363,000

Sq. 250, Lot 48 - 1322 I Street, N.W.
Small Office Building, finished 1981- Cost $48,250

Sq. 252, Lot 81 - 1350 New York Avenue, N.W.
New Office Building, unfinished - Cost to date $6,499,000

Sq. 253, Lot 19 - 1322 G Street, N.W. (Wendy's)
New Fast Food Restaurant, finished 1980 - Cost $311,000

Sq. 253, Lot 806 - 1315-17 F Street, N.W.
Office Building, remodeled 1983 - $2,473,000 was added to $252,000

Sq. 254, Lot 835 - 1301 E Street, N.W.
New Office Building completed 1980 - Cost $15,675,000

Sq. 284, Lot 42 - 1220 L Street, N.W.
New Office Building, finished 1982 - Cost $20,500,000

Sq. 284, Lot 43 - 1275 K Street, N.W.
New Office Building, finished 1982 - Cost $20,500,000

Sq. 284, Lot 43 - 1275 K Street, N.W.
New Office Building, unfinished - Cost to date $7,718,000

Sq. 286, Lot 41 - 1250 I Street, N.W.
New Office Building, finished 1982 - Cost $13,510,000

Sq. 320, Lot 25 - 1120 G Street, N.W.
New Office Building, completed 1982 - $9,456,000

Sq. 342, Lot 3 - 1007 K Street, N.W.
Building remodeled into offices in 1982 - added $125,000 to $12,500

Sq. 342, Lot 56 - 1010 Massachusetts Avenue, N.W. (National Association of Food Brokers)
New Office Building, completed 1983 - Cost $3,225,000

Sq. 342, Lot 57 - 1012 10th Street, N.W. (National Medical Association)
New Office Building, completed 1983 - Cost $772,000

Sq. 371, Lot 813 - 926 Massachusetts Avenue, N.W. (Henley Park Hotel)
Apartment Building renovated into Hotel, completed 1983 - added $3,630,000 to old value of $338,480

Sq. 374, Lot 848 - 900 9th Street, N.W. (Convention Center)
New Convention Center, completed 1982 - Cost $67,899,000

Sq. 376, Lot 68 - 624 9th Street, N.W. (YWCA)
New Office Building, finished 1982 - Cost $6,010,000

Sq. 377, Lot 37 - 913 E Street, N.W. (Burger King)
New Fast Food Restaurant finished 1980 - Cost $327,000

Sq. 377, Lot 807 - 919 E Street, N.W. (Sloane's Auctioneers)
Rehab store, finished 1982 - added $450,000 to $8,265

Sq. 453, Lot 52 - 800 6th Street, N.W. (Wah Luck House)
New Apartment Building, finished 1982 - Cost $4,287,000

In addition to the above there are at least twelve (12) large privately owned land assemblies located within this area which have not yet broken ground due primarily to the current glut of new available office space.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF FINANCE AND REVENUE
REAL ESTATE SYSTEM
COMPARISON OF 1978 AND 1983 ASSESSMENT VALUES OF SELECTED PROPERTIES

SQ	SUFF	LOT	TT		PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0247		0056	TX		L	64	139,200	900	140,100	46,400	900	47,300	92,800
0247		0057	TX	1317	L	64	217,500	1,500	219,000	72,500	1,500	74,000	145,000
0247		0063	TX	1339	L	14	165,000	1,100	166,100	55,000	1,100	56,100	110,000
0247		0064	TX	1341	L	51	159,950	63,550	223,500	57,125	12,875	70,000	153,500
0247		0071	TX		L	64	131,250	850	132,100	43,750	850	44,600	87,500
0247		0072	TX		L	64	131,250	850	132,100	43,750	850	44,600	87,500
0247		0078	TX	1314	MASS	22	591,500	68,000	659,500	364,000	250,000	614,000	45,500
0247		0082	TX	1319	L	64	356,700	2,400	359,100	118,900	2,400	121,300	237,800
0247		0084	TX	1126	13TH	27	395,100	717,400	1,112,500	184,380	213,620	398,000	714,500
0247		0086	TX		L	64	491,700	3,200	494,900	163,900	3,300	167,200	327,700
0247		0087	E3	1314	MASS	81	173,280	3,520	176,800	97,470	3,530	101,000	75,800
0247		0088	TX		L	64	136,275	825	137,100	45,425	875	46,300	90,800
0247		0089	TX		L	75	255,225	1,675	256,900	85,075	1,725	86,800	170,100
0247		0090	TX	1332	MASS	32	2,730,280	2,769,720	5,500,000	1,002,960	3,024,040	4,027,000	1,473,000
0247		0091	E1	1330	MASS	22	2,480,496	1,295,201	3,775,697	659,150	1,178,694	1,837,844	1,937,853
0247		0091	TX	1330	MASS	22	370,605	193,576	564,181				564,181
0247		0092	TX	1101	14TH	52	1,113,120	5,241,370	6,354,490				6,354,490
0247		0093	TX		14TH	91	1,674,240		1,674,240				1,674,240
0247		0800	TX	1321	L	64	294,700	23,200	317,900	105,250	2,100	107,350	210,550
0247		0801	TX		L	64	219,450	1,550	221,000	78,375	1,525	79,900	141,100
0247		0803	TX		L	64	66,375	425	66,800	22,125	475	22,600	44,200
0247		0808	TX		14TH	64	1,167,360	2,340	1,169,700	364,800	2,400	367,200	802,500
0247		0809	TX		14TH	64	506,880	1,020	507,900	158,400	1,000	159,400	348,500
0247		0810	TX	1117	14TH	51	426,290	124,210	550,500	136,050	3,950	140,000	410,500
0247		0811	TX		14TH	94	661,760		661,760	211,200		211,200	450,560
0247		0814	TX	1121	14TH	42	481,280	2,420	483,700	153,600	2,400	156,000	327,700
0247		0815	TX	1123	14TH	42	481,280	2,420	483,700	153,600	2,400	156,000	327,700
0247		0816	TX	1125	14TH	64	481,280	1,020	482,300	153,600	1,000	154,600	327,700
0247		0817	TX	1127	14TH	64	493,500	1,000	494,500	157,500	1,000	158,500	336,000
0247		0818	TX	1129	14TH	64	458,720	980	459,700	146,400	1,000	147,400	312,300
0247		0819	TX	1131	14TH	64	493,265	1,035	494,300	157,425	1,075	158,500	335,800
0247		0820	TX	1133	14TH	64	483,630	1,470	485,100	154,350	3,650	158,000	327,100
0247		0831	TX	1314	MASS	74	117,000	19,500	136,500	48,750	15,250	64,000	72,500
0247		0836	TX	1112	13TH	42	185,920	5,380	191,300	79,680	5,320	85,000	106,300
0247		0839	TX	1106	13TH	64	70,718	900	71,618	57,000	900	57,900	13,718

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0247		0840	TX	1104 13TH	64	133,000	900	133,900	57,000	900	57,900	76,000
0247		0842	TX	1327 L	64	33,000	300	33,300	11,000	275	11,275	22,025
0247		0843	TX	1301 L	65	322,500	16,500	339,000	150,500	5,500	156,000	183,000
0247		0848	TX	1327 L	64	17,520	180	17,700	5,840	160	6,000	11,700
0247		0849	TX	1327 L	64	15,180	120	15,300	5,060	140	5,200	10,100
0247		0850	TX	1327 L	64	16,800	100	16,900	5,600	140	5,740	11,160
0247		0851	TX	1339 GREE	74	379,440	59,860	439,300	158,100	59,900	218,000	221,300
0247		0852	TX	1116 13TH	64	409,920	2,980	412,900	175,680	2,920	178,600	234,300
0247		0853	E3	1312 MASS	52	1,494,160	1,466,140	2,960,300	840,465	1,253,535	2,094,000	866,300
0247		0854	TX	1343 L	51	312,200	171,200	483,400	111,500	84,500	196,000	287,400
0247		0857	TX	1118 13TH	42	213,010	4,690	217,700	91,290	4,710	96,000	121,700
0247		0858	TX	1307 L	42	121,800	50,700	172,500	43,500	2,500	46,000	126,500
0247		0859	TX	1309 L	51	121,800	68,800	190,600	43,500	15,500	59,000	131,600
0247		0860	TX	1311 L	51	121,800	73,200	195,000	43,500	70,500	114,000	81,000
0247		0861	TX	1309 L	62	121,800	500	122,300	43,500	500	44,000	78,300
0247		0862	E3	13TH	64	345,730	2,470	348,200	148,170	2,430	150,600	197,600
0247		0863	TX	1108 13TH	42	284,200	5,700	289,900				289,900
0248		0016	TX	K	64	882,000	1,800	883,800	312,375	1,825	314,200	569,600
0248		0017	TX	K	64	882,000	1,800	883,800	312,375	1,825	314,200	569,600
0248		0018	TX	K	64	882,000	1,800	883,800	312,375	1,825	314,200	569,600
0248		0023	TX	K	94	717,850		717,850	205,100		205,100	512,750
0248		0024	TX	1015 14TH	52	720,300	410,600	1,130,900	205,800	308,000	513,800	617,100
0248		0049	TX	L	64	231,300	700	232,000	61,680	720	62,400	169,600
0248		0050	TX	L	64	274,500	600	275,100	73,200	600	73,800	201,300
0248		0051	TX	L	64	320,175	725	320,900	85,380	720	86,100	234,800
0248		0052	TX	L	64	330,300	700	331,000	88,080	720	88,800	242,200
0248		0056	TX	L	64	554,064	1,360	555,424	190,120	1,380	191,500	363,924
0248		0057	TX	L	64	536,724	1,360	538,084	184,170	1,330	185,500	352,584
0248		0058	TX	L	64	536,724	1,360	538,084	184,170	1,330	185,500	352,584
0248		0059	TX	1021 14TH	52	2,400,840	350,000	2,750,840	692,550	607,450	1,300,000	1,450,840
0248		0066	TX	L ST	52	4,287,010	6,025,190	10,312,200	1,399,840	3,087,160	4,487,000	5,825,200
0248		0067	TX	1300 L ST	65	862,685	21,315	884,000	256,970	17,130	274,100	609,900
0248		0803	TX	K	64	983,000	1,900	984,900	314,560	1,940	316,500	668,400
0248		0804	TX	K	64	1,837,500	3,700	1,841,200	588,000	3,700	591,700	1,249,500
0248		0806	TX	14TH	94	749,700		749,700	214,200		214,200	535,500
0248		0807	TX	1330 L	64	3,309,460	6,740	3,316,200	1,080,640	6,760	1,087,400	2,228,800
0248		0808	TX	L	64	644,232	1,580	645,812	221,060	1,540	222,600	423,212
0248		0812	TX	1339 K ST	32	4,259,325	2,940,675	7,200,000	1,419,775	500,225	1,920,000	5,280,000
0248		0813	TX	1315 K	51	709,300	167,700	877,000	567,440	180,160	747,600	129,400
0248		0814	DC	1018 13TH	84	2,114,400	15,100	2,129,500	660,750	15,000	675,750	1,453,750
0248		0815	TX	1325 K	52	3,601,500	1,798,500	5,400,000	1,249,500	3,021,700	4,271,200	1,128,800

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFFERENCE
0248		0816 TX	1000	13TH	62	5,911,355	14,045	5,925,400	1,896,095	14,005	1,910,100	4,015,300
0249		0800 US	0950	13TH	89	79,550,250	250	79,550,500	18,031,390	210	18,031,600	61,518,900
0250		0010 E2	1343	M ST	52	226,195	349,265	575,460	82,848	814	83,662	491,798
0250		0011 TX	0807	14TH	42	909,675	12,025	921,700	283,010	3,090	286,100	635,600
0250		0017 TX	1334	I	32	773,355	551,845	1,325,200	215,820	369,980	585,800	739,400
0250		0035 TX	1332	I	32	2,077,200	122,800	2,200,000	675,090	270,410	945,500	1,254,500
0250		0037 TX	0829	14TH	42	605,475	4,725	610,200	188,370	4,630	193,000	417,200
0250		0040 TX	1313	M	64	427,420	980	428,400	139,160	1,040	140,200	288,200
0250		0041 TX	1324	I	42	401,700	7,000	408,700	123,600	21,400	145,000	263,700
0250		0042 TX		REAR	64	56,800		56,800	17,040		17,040	39,760
0250		0044 TX			42	857,250	15,050	872,300	266,700	17,300	284,000	588,300
0250		0045 TX	0813	14TH	42	442,800	6,500	449,300	137,760	6,240	144,000	305,300
0250		0046 E2	1343	M ST	52	690,490	403,310	1,093,800				1,093,800
0250		0046 TX	1333	M ST	52	8,065,770	10,386,655	18,452,425				18,452,425
0250		0047 TX	1301	M ST	52	4,393,072	7,362,728	11,755,800				11,755,800
0250		0048 TX	1322	EYE	51	430,000	48,250	478,250				478,250
0250		0806 TX	0815	14TH	41	442,800	3,500	446,300	137,760	4,040	141,800	304,500
0250		0807 TX	0817	14TH	52	1,071,900	338,900	1,410,800	333,480	308,220	641,700	769,100
0250		0808 TX	0821	14TH	42	486,000	82,800	568,800	151,200	82,800	234,000	334,800
0250		0810 TX	0831	14TH	42	356,850	13,050	369,900	111,020	28,980	140,000	229,900
0250		0811 TX	0833	14TH	68	352,500	123,500	476,000	108,000	148,700	256,700	219,300
0250		0812 TX	1328	I	42	863,010	12,990	876,000	240,840	31,960	272,800	603,200
0250		0813 TX	1326	I	42	803,670	8,830	812,500	224,280	30,320	254,600	557,900
0250		0815 TX		I	64	430,000	1,000	431,000	120,000	1,000	121,000	310,000
0250		0816 TX		I	64	430,000	1,000	431,000	120,000	1,000	121,000	310,000
0250		0817 TX	1318	I	42	390,000	17,100	407,100	120,000	29,325	149,325	257,775
0250		0818 TX		I	94	390,000		390,000	120,000		120,000	270,000
0250		0819 TX	1314	I	42	407,940	20,000	427,940	125,520	47,480	173,000	254,940
0250		0820 TX		I	64	444,000		444,000	133,200		133,200	310,800
0250		0821 TX	1312	I	74	600,405	15,015	615,420	184,740	22,860	207,600	407,820
0250		0822 TX		I	64	611,507	1,460	612,967	189,360	1,540	190,900	422,067
0250		0823 TX	1308	I	42	294,645	7,535	302,180	90,660	19,440	110,100	192,080
0250		0824 TX		I ST	64	154,800	400	155,200	43,200	400	43,600	111,600
0250		0825 TX		13TH	64	264,000	600	264,600	78,000	600	78,600	186,000
0250		0826 TX	0832	13TH	64	271,830	670	272,500	86,190	710	86,900	185,600
0250		0827 TX	0830	13TH	42	271,830	10,070	281,900	86,190	16,210	102,400	179,500
0250		0828 TX	0828	13TH	42	271,830	3,470	275,300	86,190	10,060	96,250	179,050
0250		0829 TX	0826	13TH	42	250,715	4,600	255,315	79,495	8,105	87,600	167,715
0250		0830 TX	0824	13TH	42	339,685	6,215	345,900	107,705	15,995	123,700	222,200
0250		0831 TX	0822	13TH	41	354,240	2,960	357,200	112,320	6,880	119,200	238,000
0250		0832 TX	0820	13TH	91	531,360		531,360	168,480	1,320	169,800	361,560
0250		0833 TX	0816	13TH	91	413,280		413,280	131,040	960	132,000	281,280

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0250		0834	TX	0814 13TH	64	334,560	840	335,400	106,080	820	106,900	228,500
0250		0835	TX	0812 13TH	64	334,560	840	335,400	106,080	820	106,900	228,500
0250		0838	TX	M	64	3,149,790	6,010	3,155,800	891,450	5,950	897,400	2,258,400
0250		0839	TX		94	14,175		14,175	4,410		4,410	9,765
0250		0841	TX	1331 H ST	52	3,417,960	1,000,000	4,417,960				4,417,960
0250		0842	TX	1331 H ST	52	1,943,100	2,000,900	3,944,000				3,944,000
0251		0801	TX	0777 14TH	51	3,775,680	4,824,000	8,599,680	1,059,840	2,724,160	3,784,000	4,815,680
0251		0803	EI	1313 NEW	81	3,022,810	1,086,390	4,109,200	925,350	1,086,350	2,011,700	2,097,500
0251		0804	US		91	266,560		266,560	247,520		247,520	19,040
0251		0805	US		91	93,800		93,800	87,100		87,100	6,700
0252		0036	RL	0708 13TH	64	439,300	1,000	440,300	162,350	950	163,300	277,000
0252		0037	RL	0704 13TH	64	248,400	500	248,900	91,800	500	92,300	156,600
0252		0056	RL	1305 G	64	195,730	470	196,200	72,335	425	72,760	123,440
0252		0057	RL	1307 G	64	605,360	1,340	606,700	236,880	1,320	238,200	368,500
0252		0060	TX	1341 G	52	3,265,360	1,006,313	4,271,673	1,532,720	283,080	1,815,800	2,455,873
0252		0061	TX	1332 NEW	91	854,480		854,480	330,140	31,060	361,200	493,280
0252		0078	TX	0711 14TH	52	2,714,920	3,501,580	6,216,500	1,121,380	2,543,520	3,664,900	2,551,600
0252		0079	TX	1325 G ST	52	6,666,400	21,166,800	27,833,200	3,333,200	7,666,800	11,000,000	16,833,200
0252		0080	TX	1320 NEW	91	17,879,125		17,879,125	5,851,350		5,851,350	12,027,775
0252		0081	TX	N Y	91	2,771,340		2,771,340				2,771,340
0252		0082	TX	1328 NEW	91	20,242,338		20,849,400				20,849,400
0252		0800	RL	1301 G	64	534,980	1,220	536,200	244,230	1,170	245,400	290,800
0252		0801	RL	1311 G	64	583,740	1,260	585,000	228,420	1,280	229,700	355,300
0252		0819	RL	0718 13TH	64	536,130	1,170	537,300	198,135	1,165	199,300	338,000
0252		0820	RL	0716 13TH	64	452,640	960	453,600	167,280	920	168,200	285,400
0252		0821	RL	0714 13TH	64	452,410	990	453,400	167,195	1,005	168,200	285,200
0252		0822	RL	0712 13TH	64	452,410	990	453,400	167,195	1,005	168,200	285,200
0252		0823	RL	0710 13TH	64	439,300	1,000	440,300	162,350	950	163,300	277,000
0252		0824	RL	0706 13TH	64	345,000	800	345,800	127,500	800	128,300	217,500
0252		0829	TX	1328 NEW	52	1,524,380	607,120	2,131,500	588,965	43,635	632,600	1,498,900
0252		0835	RL	0720 13TH	64	560,280	1,220	561,500	207,060	1,240	208,300	353,200
0252		0836	EI	1315 G	81	4,887,400	1,765,200	6,652,600	2,443,700	1,765,200	4,208,900	2,443,700
0252		0837	TX	1331 G	52	910,290	896,910	1,807,200	431,190	399,310	830,500	976,700
0252		0846	RL	13TH	64	474,490	1,240	475,730				475,730
0253		0008	TX	1333 F	42	1,134,705	565,295	1,700,000	698,280	176,320	874,600	825,400
0253		0019	TX	1322 G	68	1,034,360	110,640	1,145,000	517,180	2,320	519,500	625,500
0253		0020	TX	1318 G	42	1,226,940	99,960	1,326,900	597,740	99,960	697,700	629,200
0253		0021	TX	G	91	1,134,510		1,134,510	552,710		552,710	581,800
0253		0028	TX	1343 F	42	445,930	32,570	478,500	269,905	32,595	302,500	176,000
0253		0029	TX	0605 14TH	52	570,630	402,670	973,300	297,720	48,880	346,600	626,700
0253		0030	TX	F	91	241,490		241,490	146,165		146,165	95,325
0253		0035	TX	0607 14TH	42	408,540	37,260	445,800	213,555	37,245	250,800	195,000

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFFER ENCE
0253	0036	TX	0609	14TH	42	462,000	26,000	488,000	241,500	26,000	267,500	220,500
0253	0037	TX	0611	14TH	42	476,740	24,960	501,700	249,205	24,995	274,200	227,500
0253	0039	TX	0613	14TH	42	503,360	23,940	527,300	263,120	23,980	287,100	240,200
0253	0040	TX	1337	F	42	294,500	18,700	313,200	178,250	18,650	196,900	116,300
0253	0043	TX	1303	F	42	293,930	14,270	308,200	177,905	14,295	192,200	116,000
0253	0044	TX	1341	F	42	342,950	19,150	362,100	207,575	19,125	226,700	135,400
0253	0045	TX	1344	G	41	313,310	35,090	348,400	148,410	35,090	183,500	164,900
0253	0053	TX	1342	G	42	303,050	22,650	325,700	143,550	22,650	166,200	159,500
0253	0054	TX	1340	G	42	397,100	28,100	425,200	188,100	28,000	216,100	209,100
0253	0055	TX	1338	G	42	405,460	28,740	434,200	192,060	28,740	220,800	213,400
0253	0056	TX	1327	F	42	1,223,430	61,770	1,285,200	752,880	61,720	814,600	470,600
0253	0800	TX	1301	F	42	359,265	23,435	382,700	200,520	23,480	224,000	158,700
0253	0802	TX	1305	F	42	296,590	15,110	311,700	179,515	15,085	194,600	117,100
0253	0803	TX	1307	F	42	433,960	30,040	464,000	262,660	30,040	292,700	171,300
0253	0804	TX	1309	F	42	400,710	33,990	434,700	242,535	34,065	276,600	158,100
0253	0805	TX	1313	F	42	324,520	35,780	360,300	196,420	35,780	232,200	128,100
0253	0806	TX	1315	F	52	1,175,265	251,735	1,427,000	723,240	67,760	791,000	636,000
0253	0807	TX	1319	F	52	1,302,015	1,015,220	2,317,235	801,240	100,860	902,100	1,415,135
0253	0808	TX	1323	F	42	518,320	26,680	545,000	313,720	26,680	340,400	204,600
0253	0809	TX	1325	F	42	598,120	39,980	638,100	362,020	39,980	402,000	236,100
0253	0812	TX	1331	F	42	601,920	30,680	632,600	364,320	30,680	395,000	237,600
0253	0817	TX	1336	G	52	398,430	559,585	958,015	188,730	276,770	465,500	492,515
0253	0818	TX		G	91	408,915		408,915	188,730		188,730	220,185
0253	0819	TX	1332	G	42	398,430	18,570	417,000	188,730	18,570	207,300	209,700
0253	0820	TX	1330	G	42	531,050	32,750	563,800	251,550	32,750	284,300	279,500
0253	0821	TX	1328	G	42	393,110	31,190	424,300	186,210	31,190	217,400	206,900
0253	0822	TX	1328	G	62	75,920	680	76,600	26,280	560	26,840	49,760
0253	0823	TX	1306	G	42	435,670	29,730	465,400	206,370	29,730	236,100	229,300
0253	0824	TX	1304	G	42	435,670	59,130	494,800	206,370	32,130	238,500	256,300
0253	0825	TX	0614	13TH	42	1,008,480	83,320	1,091,800	550,080	83,320	633,400	458,400
0253	0829	TX	0606	13TH	42	434,720	30,880	465,600	205,920	30,880	236,800	228,800
0253	0831	TX		F	91	7,220		7,220	4,370		4,370	2,850
0253	0832	TX	1339	F	42	322,050	14,450	336,500	194,925	14,475	209,400	127,100
0253	0833	TX	0615	14TH	61	1,767,905	953,295	2,721,200	902,760	422,240	1,325,000	1,396,200
0253	0834	TX	0608	13TH	52	1,375,800	1,043,300	2,419,100	653,505	846,495	1,500,000	919,100
0254	0053	TX	0529	F ST	52	15,006,920	4,118,080	19,125,000				19,125,000
0254	0826	TX	0529	14TH	52	14,245,320	4,118,080	18,363,400	5,865,720	6,431,280	12,297,000	6,066,400
0254	0830	US		E ST	91	2,191,421		2,191,421				2,191,421
0254	0831	TX	1301	E ST	52	10,408,875	8,891,200	19,300,075				19,300,075
0254	0832	TX	1331	PA A	53	46,780,163	15,347,257	62,127,420				62,127,420
0254	0834	TX		E ST	91	130,125		130,125				130,125
0254	0835	TX	1301	E ST	52	10,278,750	8,891,200	19,169,950				19,169,950

SQ	SUFF LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
02548	0800	US	1301 PA A	89	5,226,095	26,105	5,252,200	2,666,375	26,125	2,692,500	2,559,700
0283	0035	TX	1214 MASS	51	105,840	16,560	122,400	45,360	8,140	53,500	68,900
0283	0044	TX	1234 MASS	29	2,888,115	2,591,885	5,480,000	1,552,750	2,761,250	4,314,000	1,166,000
0283	0045	TX	1210 MASS	26	108,120	488,630	596,750				596,750
0283	0046	TX	1204 MASS	21	34,055	170,545	204,600				204,600
0283	0047	TX	1200 MASS	51	37,434	186,066	223,500				223,500
0283	0048	TX	12TH	64	739,425		739,425				739,425
0283	0805	TX	1215 L	01	102,375	15,750	118,125	39,375	10,025	49,400	68,725
0283	0806	TX	L	64	104,715	785	105,500	40,275	806	41,081	64,419
0283	0807	TX	L	64	76,700	600	77,300	29,500	590	30,090	47,210
0283	0813	TX	1216 MASS	51	74,200	14,400	88,600	31,800	8,200	40,000	48,600
0283	0814	TX	1212 MASS	51	53,830	21,170	75,000	46,140	10,000	56,140	18,860
0283	0815	TX	MASS	64	4,095	5	4,100	3,150	32	3,182	918
0283	0824	TX	L ST	64	152,750	1,250	154,000	58,750	1,175	59,925	94,075
0284	0042	TX	1220 13TH	52	7,133,100	10,174,735	17,307,835				17,307,835
0284	0043	TX	1275 K ST	52	3,924,352	7,717,920	11,642,272				11,642,272
0284	0804	E1	K ST	91	527,800		527,800	127,400		127,400	400,400
0284	0804	TX	K ST	91	527,800		527,800				527,800
0284	0807	TX	K	91	593,485		593,485	225,115		225,115	368,370
0284	0808	TX	K	91	897,435		897,435	256,410		256,410	641,025
0284	0809	TX	1001 13TH	51	897,680	74,920	972,600	256,480	21,000	277,480	695,120
0284	0816	DC	1200 L	83	1,234,575	482,625	1,717,200	1,097,400	482,600	1,580,000	137,200
0284	0824	E1	1217 K ST	91	1,008,185		1,008,185	243,355	106,645	350,000	658,185
0284	0825	TX	1213 K	51	1,047,915	257,485	1,305,400	325,215	125,785	451,000	854,400
0284	0827	TX	1201 K	32	2,758,500	2,741,500	5,500,000	919,500	1,748,500	2,668,000	2,832,000
0285	0007	TX	1219 I	42	489,375	15,625	505,000	126,875	23,000	149,875	355,125
0285	0020	TX	1210 K	63	541,285	50,000	591,285	167,985	326,815	494,800	96,485
0285	0033	TX	K	94	368,155		368,155	114,255		114,255	253,900
0285	0034	TX	K	94	173,275		173,275	53,775		53,775	119,500
0285	0037	TX	0914 12TH	64	494,620	1,680	496,300	141,320	1,767	143,087	353,213
0285	0038	TX	0904 12TH	41	111,720	2,080	113,800	27,930	2,070	30,000	83,800
0285	0039	TX	0902 12TH	41	83,440	2,960	86,400	20,860	3,000	23,860	62,540
0285	0040	TX	0900 12TH	41	54,040	1,960	56,000	13,510	2,000	15,510	40,490
0285	0041	TX	1201 I	41	93,520	3,280	96,800	23,380	2,960	26,340	70,460
0285	0042	TX	1203 I	41	64,680	5,020	69,700	16,170	5,000	21,170	48,530
0285	0043	TX	1205 I	41	102,900	5,000	107,900	25,725	5,000	30,725	77,175
0285	0044	TX	1207 I	41	102,900	4,000	106,900	25,725	4,000	29,725	77,175
0285	0045	TX	1209 I	41	133,140	4,960	138,100	33,285	5,000	38,285	99,815
0285	0046	TX	1200 K ST	49	703,975	2,525	706,500	218,475	2,600	221,075	485,425
0285	0047	TX	13TH	64	5,713,240	45,760	5,759,000				5,759,000
0285	0801	TX	1211 I	42	112,140	8,960	121,100	28,035	11,965	40,000	81,100
0285	0804	TX	1217 I	42	223,830	11,270	235,100	58,030	11,000	69,030	166,070

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0285		0805	TX	1215 I	62	97,410	6,890	104,300	22,920	8,380	31,300	73,000
0285		0806	TX	I	94	97,410		97,410	22,920		22,920	74,490
0285		0808	DC	0925 13TH	83	3,809,190	499,010	4,308,200	970,970	499,030	1,470,000	2,838,200
0285		0809	TX	1216 K	74	518,140	47,960	566,100	148,040	37,000	185,040	381,060
0285		0810	TX	K	94	545,925		545,925	169,425		169,425	376,500
0285		0811	TX	1204 K	64	353,220	1,480	354,700	100,920		100,920	253,780
0285		0816	TX	0908 12TH	51	336,420	68,580	405,000	87,220	24,000	111,220	293,780
0285		0817	TX	0906 12TH	01	188,325	4,875	193,200	48,825	6,500	55,325	137,875
0285		0821	TX	1208 K	74	1,045,240	51,660	1,096,900	298,640	29,000	327,640	769,260
0285		0822	TX	0912 12TH	62	468,585	13,615	482,200	121,485	18,000	139,485	342,715
0285		0823	TX	0910 12TH	01	96,525	7,475	104,000	25,025	10,000	35,025	68,975
0285		0825	TX	1213 I	42	221,265	11,935	233,200	57,365	12,000	69,365	163,835
0285		0826	TX	1215 I	42	225,585	11,315	236,900	58,485	12,500	70,985	165,915
0286		0014	TX	1225 NEW	31	493,150	101,450	594,600	140,900	9,700	150,600	444,000
0286		0015	TX	NEW	91	363,125		363,125	103,750		103,750	259,375
0286		0016	TX	0813 13TH	51	59,345	85,655	145,000	48,555	16,500	65,055	79,945
0286		0029	TX		94	134,460		134,460	44,820		44,820	89,640
0286		0032	TX	NEW	94	317,880		317,880	105,960		105,960	211,920
0286		0033	TX	12TH	94	187,740		187,740	62,580		62,580	125,160
0286		0034	TX	12TH	94	106,020		106,020	35,340		35,340	70,680
0286		0038	TX	NEW	68	429,450	157,250	586,700	122,700	129,000	251,700	335,000
0286		0039	TX	NEW	68	443,445	123,655	567,100	131,835	68,165	200,000	367,100
0286		0040	TX	1201 NEW	69	5,527,620	388,430	5,916,050	1,842,540	388,460	2,231,000	3,685,050
0286		0041	TX	1250 I ST	52	4,845,880	13,510,530	18,356,410				18,356,410
0286		0817	TX	0809 13TH	42	279,125	22,975	302,100	71,775	23,000	94,775	207,325
0287		0001	TX	12TH	64	462,500		462,500	162,500		162,500	300,000
0287		0013	TX	12TH	64	462,500	1,200	463,700	162,500		162,500	301,200
0287		0014	TX	12TH	64	462,500		462,500	162,500		162,500	300,000
0287		0027	TX	12TH	64	399,165	1,035	400,200	133,055	1,045	134,100	266,100
0287		0028	TX	0808 12TH	41	400,500	10,700	411,200	122,375	10,625	133,000	278,200
0287		0032	TX	1224 NEW	52	1,932,790	1,497,400	3,430,190	835,500	131,500	967,000	2,463,190
0287		0033	TX	1215 H	64	278,600		278,600	79,600	13,000	92,600	186,000
0287		0034	TX	1220 NEW	42	239,940	13,160	253,100	79,980	13,200	93,180	159,920
0287		0035	TX	1212 NEW	64	269,820		269,820	89,940	7,760	97,700	172,120
0287		0800	TX	H	64	278,425	775	279,200	79,550	750	80,300	198,900
0287		0801	TX	H	64	314,650	950	315,600	89,900	900	90,800	224,800
0287		0802	TX	1217 H	64	242,550		242,550	69,300	12,600	81,900	160,650
0287		0803	TX	1216 NEW	64	211,500		211,500	70,500	16,500	87,000	124,500
0287		0804	TX	1214 NEW	64	229,500		229,500	76,500	13,000	89,500	140,000
0287		0805	TX	1200 NEW	41	888,615	15,985	904,600	296,205	16,000	312,205	592,395
0287		0806	TX		64	435,240	1,060	436,300	145,080	1,120	146,200	290,100

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFFERENCE
0288		0011	TX	0725 13TH	52	1,500,700	1,271,800	2,772,500	558,400	1,252,600	1,811,000	961,500
0288		0029	TX	13TH	94	484,180		484,180	180,160		180,160	304,020
0288		0041	RL	1235 G	41	418,660	23,740	442,400	161,755	24,000	185,755	256,645
0288		0044	RL	1217 G	51	456,720	59,880	516,600	176,460	25,000	201,460	315,140
0288		0047	TX	0725 13TH	52	1,188,950	1,023,050	2,212,000	442,400	55,600	498,000	1,714,000
0288		0048	TX	1224 M	42	374,500	14,900	389,400	117,700	15,300	133,000	256,400
0288		0049	RL	0711 13TH	42	543,950	12,650	556,600	202,400	12,600	215,000	341,600
0288		0052	RL	0714 12TH	74	1,256,890	50,910	1,307,800	467,680	23,320	491,000	816,800
0288		0054	RL	1219 G ST	41	913,220	15,100	928,320	352,835	15,165	368,000	560,320
0288		0055	TX	0730 12TH	84	5,905,600	5,315,100	11,220,700	2,214,600	4,733,400	6,948,000	4,272,700
0288		0800	RL	0710 12TH	41	450,210	12,490	462,700	188,460	11,540	200,000	262,700
0288		0801	RL	0700 12TH	91	843,525		843,525	337,410		337,410	506,115
0288		0802	RL	1205 G	41	364,320	15,380	379,700	140,760	24,000	164,760	214,940
0288		0803	RL	1207 G	41	476,960	15,040	492,000	184,280	20,000	204,280	287,720
0288		0804	RL	1209 G	41	464,640	14,960	479,600	179,520	15,000	194,520	285,080
0288		0805	RL	1211 G	51	645,040	61,960	707,000	249,220	19,000	268,220	438,780
0288		0806	RL	1211 G	51	381,040	41,760	422,800	147,220	13,000	160,220	262,580
0288		0808	RL	1239 G	52	400,725	347,275	748,000	169,195	70,000	239,195	508,805
0288		0809	RL	0709 13TH	41	303,580	21,920	325,500	112,960	20,000	132,960	192,540
0288		0810	TX	0719 13TH	52	2,167,845	1,712,555	3,880,400	806,640	640,360	1,447,000	2,433,400
0288		0811	TX	0725 13TH	84	538,360	300,640	839,000	200,320	297,680	498,000	341,000
0288		0812	TX	0733 13TH	42	277,980	14,520	292,500	101,700	14,900	116,600	175,900
0288		0813	TX	0735 13TH	42	198,235	3,465	201,700	72,525	13,475	86,000	115,700
0288		0814	TX	0737 13TH	42	186,755	5,645	192,400	68,325	5,675	74,000	118,400
0288		0815	TX	0739 13TH	42	174,250	8,050	182,300	63,750	8,250	72,000	110,300
0288		0816	TX	1228 M	41	199,260	12,240	211,500	77,760	12,240	90,000	121,500
0288		0817	TX	1226 M	42	374,325	18,375	392,700	117,645	18,355	136,000	256,700
0288		0818	TX	1222 M	74	408,100	13,700	421,800	128,260	13,740	142,000	279,800
0288		0819	TX	1220 M	64	408,100	1,100	409,200	128,260	1,140	129,400	279,800
0288		0820	TX	1218 M	64	336,000	900	336,900	105,600	900	106,500	230,400
0288		0826	TX	12TH	64	666,930	1,570	668,500	232,650	1,550	234,200	434,300
0288		0827	RL	12TH	64	387,000	900	387,900	135,000	900	135,900	252,000
0288		0828	RL		64	279,930	670	280,600	97,650	650	98,300	182,300
0288		0829	RL	0712 12TH	41	596,195	13,105	609,300	207,975	13,025	221,000	388,300
0288		0831	RL	1225 G	42	1,319,780	35,120	1,354,900	509,915	35,085	545,000	809,900
0288		0832	RL	1231 G	41	294,800	11,000	305,800	113,900	11,100	125,000	180,800
0288		0833	RL	0715 13TH	75	1,000,825	56,075	1,056,900	372,400	24,600	397,000	659,900
0288		0835	TX	1212 M	41	1,094,040	18,960	1,113,000	395,070	18,030	413,100	699,900
0288		0839	RL	G ST	91	1,227,005		1,227,005				1,227,005
0288		0840	RL	0718 12TH	64	500,305	1,570	501,875				501,875
0289		0038	TX	1215 F	42	1,609,985	212,215	1,822,200	787,865	212,135	1,000,000	822,200
0289		0040	TX	1209 F	42	748,140	50,160	798,300	444,840	50,160	495,000	303,300

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0289		0041	TX	1208 F	42	421,080	11,920	433,000	181,830	15,170	197,000	236,000
0289		0042	TX	1218 G	42	940,000	165,000	1,105,000	500,000	165,000	665,000	440,000
0289		0044	TX	1210 G	42	528,000	12,000	540,000	228,000	20,000	248,000	292,000
0289		0047	TX	1212 G	42	521,180	13,520	534,700	225,055	24,945	250,000	284,700
0289		0048	TX	0601 13TH	52	1,470,379	696,121	2,166,500	3,020,500	65,500	3,086,000	919,500
0289		0049	TX	1200 G ST	42	4,221,800	102,000	4,323,800				4,323,800
0289		0800	TX	1205 F	42	323,565	52,535	376,100	192,390	52,610	245,000	131,100
0289		0801	TX	1207 F	42	323,565	47,535	371,100	192,390	47,610	240,000	131,100
0289		0802	TX	1211 F	42	623,265	78,335	701,600	370,590	78,410	449,000	252,600
0289		0803	TX	1213 F	42	630,665	90,935	721,600	374,990	91,010	466,000	255,600
0289		0804	TX	1217 F	42	677,505	124,695	802,200	360,375	124,625	485,000	317,200
0289		0805	TX	1220 G	42	81,754	8,246	90,000	108,750	8,250	117,000	27,000
0289		0806	TX	1206 12TH	42	441,980	11,020	453,000	190,855	16,145	207,000	246,000
0289		0807	TX	1204 G	42	441,980	12,020	454,000	190,855	18,145	209,000	245,000
0289		0808	TX	1200 G	42	351,560	10,040	361,600	159,800	15,200	175,000	186,600
0289		0809	TX	0618 12TH	42	290,840	5,960	296,800	125,590	12,410	138,000	158,800
0289		0810	TX	0616 12TH	42	243,540	6,960	250,500	105,165	14,635	120,000	130,500
0289		0811	TX	0614 12TH	42	492,140	10,960	503,100	212,515	25,485	238,000	265,100
0289		0813	TX	0610 12TH	42	422,750	21,650	444,400	211,375	21,625	233,000	211,400
0289		0815	TX	12TH	91	45,980		45,980	19,855		19,855	26,125
0289		0816	TX	0612 12TH	42	443,520	100,480	544,000	191,520	25,480	217,000	327,000
0289		0817	TX	1201 F	42	1,458,990	200,010	1,659,000	780,390	208,610	989,000	670,000
0289		0818	TX		91	33,370		33,370	16,330		16,330	17,040
0289		0819	TX		91	23,735		23,735	12,625		12,625	11,110
0289		0820	TX		91	18,565		18,565	9,085		9,085	9,480
0289		0821	TX	1219 F	42	696,070	126,730	822,800	370,250	126,750	497,000	325,800
0289		0822	RL	1208 G ST	42	322,300	9,000	331,300				331,300
0289		0823	RL	1200 G ST	42	3,900,160	86,840	3,987,000				3,987,000
0290		0023	TX	1214 F	42	890,400	110,200	1,000,600	511,980	110,020	622,000	378,600
0290		0035	TX	1212 F	42	706,400	25,800	732,200	406,180	25,820	432,000	300,200
0290		0037	TX	0525 13TH	42	527,250	42,250	569,500	285,000	42,000	327,000	242,500
0290		0039	TX	0501 13TH	52	3,450,884	849,116	4,300,000	1,976,640	180,360	2,157,000	2,143,000
0290		0042	E9	1210 F ST	91	2,005,725		2,005,725	981,525		981,525	1,024,200
0290		0801	TX	1209 E	42	438,725	24,375	463,100	200,560	24,440	225,000	238,100
0290		0802	TX	1215 E	52	1,188,425	101,275	1,289,700	543,280	65,720	609,000	680,700
0290		0803	TX	1219 E	42	252,525	20,175	272,700	115,440	20,560	136,000	136,700
0290		0804	TX	1219 E	74	65,440	1,160	66,600	36,810	1,190	38,000	28,600
0290		0805	TX	1221 E	42	792,925	50,175	843,100	362,480	50,520	413,000	430,100
0290		0812	TX	0517 13TH	91	391,645		391,645	211,700		211,700	179,945
0290		0813	TX	0519 13TH	42	314,500	18,000	332,500	170,000	18,000	188,000	144,500
0290		0814	TX	0521 13TH	42	370,000	60,000	430,000	200,000	60,000	260,000	170,000
0290		0815	TX	0523 13TH	42	370,000	60,000	430,000	200,000	60,000	260,000	170,000

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0290		0816	TX	1226 F	42	1,128,375	93,025	1,221,400	576,725	93,275	670,000	551,400
0290		0817	TX	1224 F	42	327,450	21,750	349,200	194,700	21,300	216,000	133,200
0290		0818	TX	1222 F	42	304,510	17,290	321,800	181,060	17,940	199,000	122,800
0290		0824	TX	0526 12TH	42	290,700	10,500	301,200	137,275	10,725	148,000	153,200
0290		0827	TX	0516 12TH	42	378,000	10,000	388,000	178,500	10,000	188,500	199,500
0290		0835	TX	528 12TH	91	98,280		98,280	46,410		46,410	51,870
0290		0836	TX	0524 12TH	91	393,120	12,580	405,700	185,640	12,360	198,000	207,700
0290		0837	TX	0518 12TH	42	539,100	14,500	553,600	254,575	14,425	269,000	284,600
0290		0838	TX	0524 12TH	94	108,900		108,900	51,425		51,425	57,475
0290		0841	TX	1218 F	42	716,000	73,600	789,600	411,700	73,300	485,000	304,600
0290		0842	TX	1216 F	42	1,200,400	125,700	1,326,100	690,230	125,770	816,000	510,100
0290		0843	TX	1201 E	52	3,455,480	2,794,520	6,250,000	1,687,560	2,177,440	3,865,000	2,385,000
0290		0844	TX	1212 F ST	42	3,513,200	565,420	4,078,620				4,078,620
0290		0845	TX	0525 13TH	42							
0290		0846	TX	1212 F ST	42							
0316		0004	TX	K	64	326,040	1,260	327,300	100,320	1,236	101,556	225,744
0316		0010	TX	12TH	64	146,250	1,250	147,500	67,500	10,125	77,625	69,875
0316		0011	E3	1015 12TH	51	95,095	36,605	131,700	15,740	1,667	17,407	114,293
0316		0011	TX	1015 12TH	51	51,155	19,645	70,800				70,800
0316		0027	TX	1008 11TH	01	104,250	26,650	130,900	29,190	19,110	48,300	82,600
0316		0028	TX	1006 11TH	01	104,125	22,875	127,000	29,155	19,145	48,300	78,700
0316		0029	TX	1004 11TH	01	112,455	23,345	135,800	37,485	19,175	56,660	79,100
0316		0030	TX	1002 11TH	01	110,295	23,305	133,600	36,765	19,175	55,940	77,660
0316		0031	TX	1101 K	42	179,955	43,345	223,300	59,985	43,315	103,300	120,000
0316		0032	TX	1020 11TH	52	2,491,605	13,954,995	16,446,600	2,345,040	7,741,960	10,087,000	6,359,600
0316		0800	TX	1103 K	01	384,750	1,250	386,000	128,250	1,250	129,500	256,500
0316		0801	TX	K	64	234,000	900	234,900	72,000	900	72,900	162,000
0316		0802	TX	K	64	209,040	860	209,900	64,320	836	65,156	144,744
0316		0804	TX	12TH	64	106,275	825	107,100	49,050	818	49,868	57,232
0316		0805	TX	12TH	64	39,975	325	40,300	9,225	308	9,533	30,767
0316		0808	TX	1017 12TH	51	82,030	96,870	178,900	37,860	84,740	122,600	56,300
0316		0809	TX	1017 12TH	64	49,400	400	49,800	14,820	494	15,314	34,486
0316		0812	TX	1001 12TH	41	891,000	2,000	893,000	297,000	2,000	299,000	594,000
0317		0015	TX	12TH	94	200,980		200,980	46,380		46,380	154,600
0317		0016	TX	0915 12TH	42	211,250	4,550	215,800	48,750	6,350	55,100	160,700
0317		0017	TX	12TH	64	211,250	850	212,100	48,750	775	49,525	162,575
0317		0018	TX	0914 11TH	51	228,800	10,000	238,800	52,800	10,200	63,000	175,800
0317		0019	TX	0912 11TH	51	228,800	8,500	237,300	52,800	2,200	55,000	182,300
0317		0022	E1	1100 K ST	81	1,678,185	1,100,015	2,778,200	559,395	1,199,605	1,759,000	1,019,200
0317		0023	TX	0929 12TH	51	759,780	49,720	809,500	253,260	2,830	256,090	553,410
0317		0800	TX	0900 11TH	42	243,000	6,000	249,000	63,000	9,000	72,000	177,000
0317		0801	TX	1107 I	01	234,000	5,500	239,500	63,000	9,000	72,000	167,500

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0317		0802	TX	1107 I	42	260,260	21,040	281,300	70,070	29,930	100,000	181,300
0317		0803	TX	1111 I	42	121,810	2,990	124,800	32,795	11,505	44,300	80,500
0317		0804	TX	1113 I	42	121,810	2,990	124,800	32,795	11,505	44,300	80,500
0317		0806	TX	1115 I	64	280,540	1,060	281,600	75,530	1,050	76,580	205,020
0317		0807	TX	I	64	195,000	500	195,500	52,500	500	53,000	142,500
0317		0808	TX	0909 12TH	51	139,360	42,440	181,800	32,160	3,140	35,300	146,500
0317		0809	TX	0911 12TH	42	147,420	140,280	287,700	34,020	61,580	95,600	192,100
0317		0811	TX	0923 12TH	42	245,440	37,760	283,200	56,640	37,760	94,400	188,800
0317		0817	TX	K	64	350,560	1,340	351,900	100,160	1,340	101,500	250,400
0317		0818	TX	1108 K	42	350,000	15,000	365,000	100,000	25,000	125,000	240,000
0317		0823	TX	0908 11TH	41	282,490	1,610	284,100	65,190	1,610	66,800	217,300
0317		0828	TX	12TH	64	243,750	950	244,700	56,250	938	57,188	187,512
0317		0829	TX	0919 12TH	51	333,580	100,220	433,800	76,980	95,820	172,800	261,000
0317		0830	TX	I	64	252,720	880	253,600	68,040	860	68,900	184,700
0317		0831	TX	1121 I	41	223,560	2,340	225,900	57,960	2,340	60,300	165,600
0317		0832	TX		42	229,060	3,940	233,000	52,860	5,940	58,800	174,200
0318		0029	TX	1111 H	32	4,954,050	3,245,950	8,200,000	1,431,170	678,830	2,110,000	6,090,000
0318		0030	TX	1110 NEW	69	7,541,240	58,760	7,600,000	1,967,280	460,720	2,428,000	5,172,000
0318		0815	TX	12TH	91	44,000		44,000	13,000		13,000	31,000
0319		0001	RL	1101 G	42	1,120,000	194,000	1,314,000	448,000	194,000	642,000	672,000
0319		0017	RL	0733 12TH	64	220,150	650	220,800	77,350	650	78,000	142,800
0319		0018	RL	0704 11TH	22	1,046,520	480	1,047,000	330,480	19,520	350,000	697,000
0319		0020	TX	0729 12TH	42	228,660	6,340	235,000	80,340	6,660	87,000	148,000
0319		0021	TX	0731 12TH	41	228,660	6,340	235,000	80,340	6,660	87,000	148,000
0319		0022	E9	G ST	91	599,250		599,250	229,500		229,500	369,750
0319		0023	E9	12TH	84	2,120,210	79,790	2,200,000	948,515	76,485	1,025,000	1,175,000
0319		0800	RL	1107 G	91	328,965		328,965	109,655		109,655	219,310
0319		0803	RL	1113 G ST	41	312,000	15,000	327,000	104,000	15,000	119,000	208,000
0319		0812	DC	0719 12TH	84	417,150	81,450	498,600	361,530	81,470	443,000	55,600
0319		0813	TX	0723 12TH	42	357,605	8,995	366,600	125,645	9,355	135,000	231,600
0319		0817	RL	0739 12TH	42	316,875	22,125	339,000	105,625	22,375	128,000	211,000
0319		0818	RL	1114 H	42	270,655	5,945	276,600	95,095	5,905	101,000	175,600
0319		0819	RL	1112 H	91	270,655		270,655	95,095		95,095	175,560
0319		0822	TX	1100 H	52	819,000	2,985,800	3,804,800	273,000	1,948,000	2,221,000	1,583,800
0319		0823	TX		94	259,000		259,000	91,000		91,000	168,000
0319		0825	TX		91	218,485		218,485	76,765		76,765	141,720
0319		0826	TX	11TH	94	246,235		246,235	79,860		79,860	166,375
0319		0827	TX	0730 11TH	61	624,375	875,625	1,500,000	202,500	831,500	1,034,000	466,000
0319		0828	RL	0726 11TH	42	351,870	7,830	359,700	114,120	7,880	122,000	237,700
0319		0829	RL	0724 11TH	42	351,870	8,830	360,700	114,120	8,880	123,000	237,700
0319		0830	RL	0722 11TH	42	268,250	15,550	283,800	87,000	15,000	102,000	181,800

SQ	SUFF LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFFERENCE
0319	0831	RL	0720 11TH	42	259,370	16,830	276,200	84,120	16,880	101,000	175,200
0319	0832	RL	0718 11TH	42	351,870	18,830	370,700	114,120	18,880	133,000	237,700
0319	0833	RL	0716 11TH	42	325,415	18,485	343,900	105,540	18,460	124,000	219,900
0319	0834	RL	0714 11TH	91	360,565		360,565	116,940		116,940	243,625
0319	0835	RL	0710 11TH	91	518,925		518,925	168,300		168,300	350,625
0319	0836	RL	1109 G ST	42	766,155	54,345	820,500	255,385	54,615	310,000	510,500
0319	0840	TX		64	78,810	290	79,100	27,690	310	28,000	51,100
0319	0841	TX	1110 H	68	301,735	16,965	318,700	89,705	10,295	100,000	218,700
0319	0842	TX	0727 12TH	42	359,825	8,175	368,000	126,425	8,575	135,000	233,000
0319	0843	TX	0725 12TH	42	355,385	8,115	363,500	124,865	8,135	133,000	230,500
0319	0845	RL	1115 G ST	64	527,250		527,250	185,250		185,250	342,000
0319	0846	TX	H ST	94	680,160		680,160	226,720		226,720	453,440
0319	0847	RL	1110 H ST	68	181,485	16,965	198,450				198,450
0319	0848	RL	12TH	64	47,360	290	47,650				47,650
0319	0849	RL	0731 12TH	41	204,610	6,340	210,950				210,950
0319	0850	RL	0727 12TH	43	204,610	6,340	210,950				210,950
0319	0851	RL	0727 12TH	42	321,900	8,100	330,000				330,000
0319	0852	RL	0725 12TH	42	318,570	8,130	326,700				326,700
0319	0853	DC	0719 12TH	84	1,012,320	98,080	1,110,400				1,110,400
0319	0854	RL	0723 12TH	42	320,050	8,950	329,000				329,000
0320	0013	TX	1113 F	42	454,480	55,020	509,500	263,120	55,280	318,400	191,100
0320	0017	TX	0606 11TH	42	503,685	53,815	557,500	232,470	83,530	316,000	241,500
0320	0020	TX	1115 F	42	615,030	64,740	679,770	372,255	85,645	457,900	221,870
0320	0023	TX	1100 G ST	52	2,413,575	4,386,425	6,800,000	1,072,700	4,110,300	5,183,000	1,617,000
0320	0024	TX	1107 F ST	42	1,060,410	71,290	1,131,700	598,180	101,820	700,000	431,700
0320	0025	TX	1120 G ST	52	2,897,325	6,146,705	9,044,030				9,044,030
0320	0800	TX	1101 F	42	384,930	189,070	574,000	210,795	189,205	400,000	174,000
0320	0801	TX	1105 F	42	184,080	31,020	215,100	103,840	31,160	135,000	80,100
0320	0804	TX	1119 F	42	243,750	106,250	350,000	215,625	106,125	321,750	28,250
0320	0805	TX	0609 12TH	42	503,940	57,060	561,000	231,540	86,460	318,000	243,000
0320	0808	TX	0606 11TH	42	419,250	48,250	467,500	193,500	78,500	272,000	195,500
0320	0809	TX	0606 11TH	42	243,750	51,250	295,000	112,500	67,500	180,000	115,000
0320	0810	TX	0604 11TH	42	189,735	32,265	222,000	87,570	32,430	120,000	102,000
0320	0812	TX	1111 F	42	475,760	45,040	520,800	275,440	75,560	351,000	169,800
0321	0023	TX	1100 F ST	52	4,368,600	4,631,400	9,000,000	2,232,840	4,558,400	6,791,240	2,208,760
0321	0808	TX	1118 F	42	293,475	49,425	342,900	150,150	49,375	199,525	143,375
0321	0809	TX	1114 F	42	459,025	25,875	484,900	224,175	36,500	260,675	224,225
0321	0823	TX	0521 12TH	52	3,521,025	2,965,675	6,486,700	1,799,635	2,700,365	4,500,000	1,986,700
0321	0824	TX	0500 11TH	61	6,796,240	4,545,560	11,341,800				11,341,800
0321	0825	TX	12TH	64	3,540,020	8,045	3,548,065				3,548,065
0321	0826	TX	0501 12TH	61	3,256,660	4,537,515	7,794,175				7,794,175
0342	0003	TX	1007 K	51	187,500	137,500	325,000	75,000	14,600	89,600	235,400

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0342		0004	TX	1009 K	01	187,500	12,500	200,000	75,000	14,700	89,700	110,300
0342		0005	TX	1011 K	01	187,500	12,500	200,000	75,000	14,000	89,000	111,000
0342		0010	TX	1015 11TH	42	100,204	2,296	102,500	73,320	1,120	74,440	28,060
0342		0019	TX	1020 10TH	91	100,204		100,204	61,100		61,100	39,104
0342		0050	TX	1016 10TH	91	66,789		66,789	40,725	20,375	61,100	5,689
0342		0051	TX	1014 10TH	91	66,789		66,789	40,725	20,375	61,100	5,689
0342		0052	TX	10TH	91	66,789		66,789	40,725	375	41,100	25,689
0342		0053	TX	1015 K	01	45,485	4,515	50,000	24,810	20,190	45,000	5,000
0342		0056	TX	1010 MASS	52	723,996	2,902,500	3,626,496	402,220	5,780	408,000	3,218,496
0342		0057	TX	1012 10TH	51	133,619	386,000	519,619				519,619
0342		0802	TX	1011 11TH	01	50,102	4,898	55,000	36,660	1,060	37,720	17,280
0342		0803	TX	1013 11TH	01	50,102	7,398	57,500	36,660	1,060	37,720	19,780
0342		0804	TX	1017 11TH	42	71,709	1,791	73,500	52,470	1,020	53,490	20,010
0342		0805	TX	1008 MASS	91	28,536		28,536	20,880		20,880	7,656
0342		0809	TX	1001 11TH	42	118,235	6,765	125,000	48,685	11,315	60,000	65,000
0342		0810	TX	1009 11TH	22	378,225	21,775	400,000	151,290	128,910	280,200	119,800
0342		0811	TX	1010 10TH	52	650,000	800,000	1,450,000	200,000	525,000	725,000	725,000
0342		0812	TX	1006 MASS	91	66,625		66,625	48,750	950	49,700	16,925
0342		0813	TX	1004 MASS	01	61,500	13,500	75,000	45,000	15,000	60,000	15,000
0342		0814	TX	1002 MASS	01	60,065	14,935	75,000	43,950	15,700	59,650	15,350
0342		0815	TX	1024 10TH	21	68,020	36,980	105,000	42,960	41,340	84,300	20,700
0343		0008	TX	1006 K	64	72,500	250	72,750	17,500	250	17,750	55,000
0343		0011	TX	1014 K	42	64,920	10,080	75,000	18,935	8,065	27,000	48,000
0343		0013	TX	1010 K	01	69,300	5,700	75,000	23,100	1,900	25,000	50,000
0343		0014	TX	1008 K	01	55,125	4,875	60,000	18,375	9,625	28,000	32,000
0343		0015	TX	0919 11TH	42	143,220	1,780	145,000	47,740	1,260	49,000	96,000
0343		0016	TX	0921 11TH	42	145,110	1,890	147,000	48,370	1,630	50,000	97,000
0343		0017	TX	0922 10TH	42	129,630	5,370	135,000	31,290	13,710	45,000	90,000
0343		0021	TX	0923 11TH	42	242,865	2,135	245,000	80,955	1,045	82,000	163,000
0343		0808	TX	0917 11TH	42	141,960	1,040	143,000	47,320	2,680	50,000	93,000
0343		0809	TX	0925 11TH	42	254,625	2,375	257,000	84,875	2,125	87,000	170,000
0343		0811	TX	1004 K	64	52,080	248	52,328	17,360	1,140	18,500	33,828
0343		0812	TX	1002 K	64	70,325	243	70,568	16,975	1,025	18,000	52,568
0343		0823	TX	K	64	72,345	345	72,690	24,115	345	24,460	48,230
0343		0824	TX	11TH	64	243,915	1,162	245,077	81,305	1,195	82,500	162,577
0343		0825	TX	0901 11TH	63	2,807,838	42,162	2,850,000	691,160	147,140	838,300	2,011,700
0343		0826	TX	0918 10TH	51	1,221,190	343,810	1,565,000	336,880	275,320	612,200	952,800
0343		0827	TX	10TH	64	1,005,713	3,087	1,008,800	247,560	3,095	250,655	758,145
0343		0828	TX	10TH	64	1,395,713	4,287	1,400,000	343,560	4,295	347,855	1,052,145
0343		0829	TX	0925 11ST	47	498,540	3,537	502,077				502,077
0344		0002	DC	H ST	91	454,935		454,935	81,655	1,245	82,900	372,035
0344		0006	DC	10TH	91	556,530		556,530	99,890	1,410	101,300	455,230

SQ	SUFF LOT TT	PREM USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0344	0008 DC 1008	I ST 91	507,000		507,000	910	100,090	101,000	406,000
0344	0009 DC 1006	I ST 91	507,000		507,000	91,000	9,000	100,000	407,000
0344	0010 DC	I ST 91	507,000		507,000	91,000		91,000	416,000
0344	0014 DC	10TH 91	228,540		228,540	41,020	580	41,600	186,940
0344	0015 DC	10TH 91	139,035		139,035	24,955	345	25,300	113,735
0344	0016 DC 0827	11TH 91	638,235		638,235	130,920	60,480	191,400	446,835
0344	0800 DC 1001	10TH 91	294,840		294,840	52,920	780	53,700	241,140
0344	0801 DC 1005	H ST 91	682,500		682,500	122,500	1,700	124,200	558,300
0344	0802 DC 1007	H ST 91	511,875		511,875	91,875	1,325	93,200	418,675
0344	0803 DC	H ST 91	506,805		506,805	90,965	1,030	91,995	414,810
0344	0804 DC 1011	H ST 91	386,685		386,685	69,405		69,405	317,280
0344	0805 DC 1013	H ST 91	386,685		386,685	69,405	910	70,315	316,370
0344	0806 DC 0801	H ST 91	386,685		386,685	79,320	50,580	129,900	256,785
0344	0808 DC	11TH 91	405,795		405,795	72,835	1,065	73,900	331,895
0344	0809 DC	11TH 91	767,520		767,520	137,760	1,940	139,700	627,820
0344	0814 DC	10TH 91	340,860		340,860	61,180	820	62,000	278,860
0344	0815 DC	10TH 91	38,610		38,610	69,300	1,100	70,400	31,790
0344	0816 DC	10TH 91	386,100		386,100	69,300	2,000	71,300	314,800
0344	0817 DC	10TH 91	160,095		160,095	28,735	365	29,100	130,995
0344	0818 DC	I ST 91	133,380		133,380	23,940	360	24,300	109,080
0344	0820 DC	11TH 91	273,195		273,195	49,035	765	49,800	223,395
0344	0822 DC	11TH 91	378,495		378,495	67,935	765	68,700	309,795
0344	0823 DC	11TH 91	376,155		376,155	67,515	585	68,100	308,055
0344	0824 DC 1014	I ST 91	319,020		319,020	57,260	940	58,200	260,820
0344	0825 DC 1012	I ST 91	319,020		319,020	57,260	940	58,200	260,820
0344	0826 DC 1010	I ST 91	319,020	30,940	349,960	57,260	30,940	88,200	261,760
0345	0032 TX 0719	11TH 42	579,360	3,400	582,760	136,320	19,680	156,000	426,760
0345	0033 TX 0721	11TH 42	579,360	3,400	582,760	136,320	13,680	150,000	432,760
0345	0036 TX 0701	10TH 52	1,031,016	90,734	1,121,750	406,980	253,020	660,000	461,750
0345	0039 TX 0734	10TH 75	939,930	14,200	954,130	331,740	73,260	405,000	549,130
0345	0800 TX 1015	G 42	4,429,779	346,221	4,776,000	2,252,430	848,570	3,101,000	1,675,000
0345	0801 TX 0717	11TH 42	574,470	5,530	580,000	176,760	32,240	209,000	371,000
0345	0802 TX 0723	11TH 42	447,915	2,085	450,000	137,820	8,180	146,000	304,000
0345	0803 TX 0725	11TH 42	389,610	5,390	395,000	119,880	14,120	134,000	261,000
0345	0804 TX 0727	11TH 42	467,415	2,585	470,000	143,820	9,180	153,000	317,000
0345	0805 TX 0729	11TH 61	414,960	35,040	450,000	127,680	8,320	136,000	314,000
0345	0807 TX 0735	11TH 42	204,750	5,250	210,000	63,000	18,000	81,000	129,000
0345	0808 TX 0737	11TH 42	165,360	4,640	170,000	50,880	32,120	83,000	87,000
0345	0809 TX 0739	11TH 42	369,675	5,325	375,000	1,068	112,932	114,000	261,000
0345	0810 TX 1010	H 42	155,805	9,195	165,000	47,940	20,060	68,000	97,000

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0345		0811	TX	1008 H	42	504,000	11,000	515,000	136,500	5,500	142,000	373,000
0345		0812	TX	1006 H	42	504,000	11,000	515,000	136,500	5,500	142,000	373,000
0345		0813	TX	1004 H	42	132,720	280	133,000	35,945		35,945	97,055
0345		0816	TX	10TH	91	501,075		501,075	176,850	1,000	177,850	323,225
0345		0825	TX	0733 11TH	45	204,750	5,250	210,000	63,000	22,000	85,000	125,000
0345		0826	TX	0731 11TH	45	191,100	3,900	195,000	58,800	20,200	79,000	116,000
0345		0827	TX	1000 H	32	1,548,960	686,040	2,235,000	354,970	245,030	600,000	1,635,000
0345		0828	TX	10TH	94	26,010		26,010	9,180		9,180	16,830
0345		0834	TX	0722 10TH	63	3,005,175	4,500	3,009,675	1,060,650	112,350	1,173,000	1,836,675
0345		0835	TX	0722 10TH	63	1,809,480	6,200	1,815,680	496,720	32,040	528,760	1,286,920
0345		0836	TX	10TH	94	715,530		715,530	252,540		252,540	462,990
0346		0805	TX	1025 F	42	13,575,870	1,057,630	14,633,500	5,782,315	5,229,185	11,011,500	3,622,000
0346		0806	TX	1001 F	42	220,970	29,030	250,000	133,745	52,055	185,800	64,200
0347		0010	TX	1008 F	42	721,545	38,455	760,000	393,570	53,430	447,000	313,000
0347		0017	TX	1013 E	42	239,760	10,240	250,000	99,900	33,100	133,000	117,000
0347		0018	TX	1002 F	42	338,400	30,000	368,400	177,660	32,340	210,000	158,400
0347		0019	TX	10TH	94	401,600		401,600	210,840		210,840	190,760
0347		0020	TX	0513 11TH	42	463,515	16,485	480,000	178,275	19,725	198,000	282,000
0347		0800	TX	1003 E	42	344,470	17,000	361,470	154,105	48,895	203,000	158,470
0347		0801	TX		94	358,530		358,530	160,395		160,395	198,135
0347		0802	TX	1005 E	45	361,515	13,485	375,000	153,370	43,630	197,000	178,000
0347		0803	TX	1007 E	42	423,225	16,775	440,000	179,550	55,450	235,000	205,000
0347		0804	TX	1009 E	42	307,560	7,440	315,000	130,480	28,520	159,000	156,000
0347		0805	TX	1011 E	45	330,660	14,340	345,000	140,280	29,720	170,000	175,000
0347		0806	TX	0501 11TH	45	532,800	17,200	550,000	201,280	78,720	280,000	270,000
0347		0807	TX	0507 11TH	42	214,500	10,500	225,000	82,500	24,500	107,000	118,000
0347		0808	TX	0509 11TH	42	468,585	16,415	485,000	180,225	42,775	223,000	262,000
0347		0809	TX	0511 11TH	52	463,515	141,485	605,000	178,275	98,725	277,000	328,000
0347		0811	TX	0515 11TH	42	363,090	11,910	375,000	139,650	15,350	155,000	220,000
0347		0812	TX	0517 11TH	42	363,090	13,910	377,000	139,650	14,350	154,000	223,000
0347		0813	TX	0519 11TH	42	363,090	11,910	375,000	139,650	13,350	153,000	222,000
0347		0814	TX	0521 11TH	42	336,765	11,235	348,000	129,525	12,475	142,000	206,000
0347		0815	TX	0523 11TH	42	203,580	11,420	215,000	99,180	21,820	121,000	94,000
0347		0816	TX	0525 11TH	42	112,125	6,875	119,000	40,250	22,750	63,000	56,000
0347		0817	TX	1014 F	42	251,775	18,225	270,000	128,685	56,315	185,000	85,000
0347		0818	TX	1006 F	42	429,200	25,800	455,000	225,330	114,670	340,000	115,000
0347		0819	TX	1004 F	42	445,600	14,400	460,000	233,940	28,060	262,000	198,000
0347		0820	TX	0522 10TH	41	202,950	6,050	209,000	129,150	11,850	141,000	68,000
0347		0821	TX	0520 10TH	42	365,805	16,695	382,500	166,275	16,725	183,000	199,500
0347		0822	TX	0518 10TH	42	392,205	22,795	415,000	178,275	57,725	236,000	179,000
0347		0823	US	0516 10TH	89	392,205	157,795	550,000	178,275	157,725	336,000	214,000
0347		0824	TX	0514 10TH	52	392,205	232,795	625,000	178,275	146,725	325,000	300,000

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFFERENCE
0347		0825	E2	0512 10TH	52	626,175	133,825	760,000	284,625	95,375	380,000	380,000
0347		0826	TX	0504 10TH	42	350,460	23,040	373,500	159,300	32,700	192,000	181,500
0347		0827	TX	1012 F	42	323,750	11,250	335,000	175,750	34,250	210,000	125,000
0371		0811	E1	0900 MASS	81	3,522,600	977,400	4,500,000	1,232,910	855,090	2,088,000	2,412,000
0371		0812	E1	MASS	91	1,500		1,500	525		525	975
0371		0813	TX	0926 MASS	22	561,520	388,480	950,000	210,570	308,430	519,000	431,000
0371		0814	TX	K	64	144,925	853	145,778	51,150	450	51,600	94,178
0371		0815	TX		64	184,450	1,085	185,535	65,100	500	65,600	119,935
0372		0008	TX	0929 NEW	64	211,750	847	212,597	59,290	810	60,100	152,497
0372		0011	TX	0937 NEW	64	264,495	1,260	265,755	88,165	1,235	89,400	176,355
0372		0018	TX	0944 K	91	47,520		47,520	15,120	3,980	19,100	28,420
0372		0019	TX	0942 K	01	49,600	400	50,000	14,880	3,120	18,000	32,000
0372		0020	TX	0940 K	91	49,600		49,600	14,880	3,120	18,000	31,600
0372		0023	TX	0909 NEW	64	198,250		198,250	42,700	6,400	49,100	149,150
0372		0024	TX	0931 NEW	64	157,875	632	158,507	44,205	695	44,900	113,607
0372		0025	TX	0933 NEW	64	173,750	695	174,445	48,650	650	49,300	125,145
0372		0026	TX	0935 NEW	64	189,500	758	190,258	53,060	740	53,800	136,458
0372		0027	TX	0919 NEW	64	243,100		243,100	52,360	5,340	57,700	185,400
0372		0028	TX	0924 K	64	143,975		143,975	31,010	6,190	37,200	106,775
0372		0029	TX	0932 K	64	225,550		225,550	41,640	18,360	60,000	165,550
0372		0030	TX	0930 K	64	206,700		206,700	38,160	21,840	60,000	146,700
0372		0031	TX	0928 K	64	205,238		205,238	44,205		44,205	161,033
0372		0032	TX	0938 K ST	51	200,600	19,400	220,000	60,180	19,820	80,000	140,000
0372		0804	TX	0939 NEW	64	219,725	799	220,524	63,920	780	64,700	155,824
0372		0805	TX	0941 NEW	64	207,213	753	207,966	60,280	720	61,000	146,966
0372		0806	TX	0921 10TH	64	25,575	93	25,668	7,440	110	7,550	18,118
0372		0807	TX	0923 10TH	64	43,863	159	44,022	12,760	140	12,900	31,122
0372		0808	TX	0925 10TH	64	192,000	960	192,960	57,600		57,600	135,360
0372		0809	TX	0927 10TH	64	192,000	960	192,960	57,600		57,600	135,360
0372		0815	TX	0934 K	51	96,200	3,800	100,000	28,860	9,140	38,000	62,000
0372		0816	TX	0926 K	64	194,350		194,350	41,860	11,140	53,000	141,350
0372		0817	TX	0908 K	64	107,900		107,900	23,240	7,060	30,300	77,600
0372		0818	TX	0906 K	64	73,288		73,288	15,785	3,015	18,800	54,488
0372		0819	TX	0904 K	64	82,225		82,225	17,710	2,990	20,700	61,525
0372		0821	TX	0911 NEW	64	207,188		207,188	44,625	575	45,200	161,988
0372		0823	TX	K	91	25,200		25,200	7,560		7,560	17,640
0372		0827	TX	0907 NEW	64	138,938		138,938	29,925	3,375	33,300	105,638
0372		0828	TX	0905 NEW	64	98,150		98,150	21,140	6,860	28,000	70,150
0372		0829	TX	0900 K	64	335,238		335,238	72,205	7,995	80,200	255,038
0372		0830	TX	0921 NEW	64	326,138		326,138	70,245	9,755	80,000	246,138
0372		0831	TX	0923 NEW	64	148,688		148,688	27,450	4,250	31,700	116,988
0372		0832	TX	0929 10TH	64	303,000	1,515	304,515	90,900		90,900	213,615

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFFERENCE
0372		0833	TX	0925 NEW	64	332,638		332,638	61,410	16,990	78,400	254,238
0372		0834	TX	0927 NEW	64	191,913		191,913	35,430	10,470	45,900	146,013
0372		0835	TX	0913 NEW	64	302,900		302,900	65,240	6,460	71,700	231,200
0372		0836	TX	0915 NEW	64	330,850		330,850	71,260	8,740	80,000	250,850
0372		0837	TX	0917 NEW	64	359,125		359,125	77,350	8,150	85,500	273,625
0373		0004	DC	0919 I ST	91	467,610		467,610	59,950	10,050	70,000	397,610
0373		0007	DC	I ST	91	406,965		406,965	52,175		52,175	354,790
0373		0010	DC	0933 I ST	91	346,515		346,515	44,425	575	45,000	301,515
0373		0020	DC	0930 NEW	91	471,120		471,120	72,480	8,520	81,000	390,120
0373		0021	DC	0928 NEW	91	499,785		499,785	76,890	6,510	83,400	416,385
0373		0022	DC	0926 NEW	91	528,450		528,450	81,300	8,500	89,800	438,650
0373		0023	DC	0924 NEW	91	557,115		557,115	85,710	5,390	91,100	466,015
0373		0024	DC	NEW	91	571,350		571,350	87,900	4,400	92,300	479,050
0373		0028	DC	10TH	91	109,200		109,200	19,600	400	20,000	89,200
0373		0029	DC	10TH	91	247,455		247,455	44,415	585	45,000	202,455
0373		0030	DC	I ST	91	431,340		431,340	55,300	550	55,850	375,490
0373		0031	DC	I ST	91	443,235		443,235	56,825	575	57,400	385,835
0373		0032	DC	0904 NEW	91	1,265,745		1,265,745	227,185	16,015	243,200	1,022,545
0373		0033	DC	0910 9TH	91	430,950		430,950	66,300	2,200	68,500	362,450
0373		0801	DC	I ST	91	263,250		263,250	33,750		33,750	229,500
0373		0802	DC	I ST	91	162,825		162,825	20,875		20,875	141,950
0373		0803	DC	0909 I ST	91	301,665		301,665	38,675	95,325	134,000	167,665
0373		0804	DC	I ST	91	587,925		587,925	75,375		75,375	512,550
0373		0805	DC	I ST	91	560,235		560,235	71,825		71,825	488,410
0373		0806	DC	I ST	91	484,770		484,770	62,150		62,150	422,620
0373		0807	DC	I ST	91	466,245		466,245	59,775		59,775	406,470
0373		0807	TX	0917 I	91	59,775		59,775				59,775
0373		0810	DC	0931 I ST	91	242,190		242,190	31,050	4,950	36,000	206,190
0373		0811	DC	I ST	91	385,710		385,710	49,450	550	50,000	335,710
0373		0815	DC	0942 NEW	91	339,885		339,885	61,005	2,795	63,800	276,085
0373		0816	DC	0940 NEW	91	400,530		400,530	61,620	10,480	72,100	328,430
0373		0817	DC	0938 NEW	91	329,355		329,355	50,670	15,530	66,200	263,155
0373		0818	DC	NEW	91	327,015		327,015	50,310		50,310	276,705
0373		0819	DC	0934 NEW	91	349,830		349,830	53,820	4,680	58,500	291,330
0373		0820	DC	0932 NEW	91	365,235		365,235	56,190	6,510	62,700	302,535
0373		0821	DC	0920 NEW	91	536,835		536,835	82,590	2,310	84,900	451,935
0373		0822	DC	NEW	91	519,285		519,285	79,890		79,890	439,395
0373		0823	DC	0916 NEW	91	571,545		571,545	87,930	5,370	93,300	478,245
0373		0824	DC	0914 NEW	91	350,610		350,610	53,940	3,560	57,500	293,110
0373		0825	DC	0912 NEW	91	376,350		376,350	57,900	900	58,800	317,550
0373		0826	DC	9TH	91	374,400		374,400	57,600		57,600	316,800

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0373		0827	DC	0914 9TH	91	331,500		331,500	51,000	3,300	54,300	277,200
0373		0828	DC	0908 9TH	91	331,500		331,500	51,000	7,300	58,300	273,200
0373		0829	DC	0906 9TH	91	331,500		331,500	51,000	7,300	58,300	273,200
0373		0830	DC	0904 9TH	91	331,500		331,500	51,000	5,300	56,300	275,200
0373		0832	DC	9TH	91	278,850		278,850	50,050		50,050	228,800
0373		0834	DC	0900 9TH	91	228,150		228,150	40,950	950	41,900	186,250
0373		0835	DC	0905 I ST	91	156,000		156,000	24,000	6,000	30,000	126,000
0373		0836	DC	0941 I ST	91	468,000		468,000	60,000	65,000	125,000	343,000
0373		0837	DC	0927 I ST	91	511,095		511,095	65,525	10,475	76,000	435,095
0373		0838	DC	0918 9TH	91	411,645		411,645	63,330	3,970	67,300	344,345
0373		0839	DC	NEW	91	344,955		344,955	61,915	85	62,000	282,955
0373		0840	DC	NEW	91	320,970		320,970	57,610	890	58,500	262,470
0373		0841	DC	0910 NEW	91	423,735		423,735	65,190	4,210	69,400	354,335
0373		0842	DC	0908 NEW	91	437,580		437,580	78,540	8,060	86,600	350,980
0373		0843	DC	10TH	91	195,000		195,000	35,000	500	35,500	159,500
0374		0001	DC	10TH	91	495,495		495,495	88,935	1,265	90,200	405,295
0374		0002	DC	0811 10TH	91	495,495		495,495	88,935	6,065	95,000	400,495
0374		0003	DC	0815 10TH	91	629,070		629,070	112,910	4,690	117,600	511,470
0374		0004	DC	0919 H ST	91	1,306,305		1,306,305	234,465	112,435	346,900	959,405
0374		0030	DC	H ST	91	280,800		280,800	50,400	800	51,200	229,600
0374		0031	DC	H ST	91	288,600		288,600	51,800	800	52,600	236,000
0374		0032	DC	H ST	91	306,735		306,735	55,055	845	55,900	250,835
0374		0033	DC	10TH	91	401,700		401,700	72,100	1,000	73,100	328,600
0374		0034	DC	10TH	91	401,700		401,700	72,100	500	72,600	329,100
0374		0039	DC	H ST	91	624,000		624,000	112,000	1,600	113,600	510,400
0374		0043	DC	0925 H ST	91	932,880		932,880	167,440	126,060	293,500	639,380
0374		0800	DC	0804 9TH	91	312,000		312,000	59,200	10,000	69,200	242,800
0374		0801	DC	H ST	91	522,600		522,600	93,800	1,300	95,100	427,500
0374		0802	DC	H ST	91	967,395		967,395	173,635	2,465	176,100	791,295
0374		0803	DC	H ST	91	654,225		654,225	117,425	1,675	119,100	535,125
0374		0804	DC	H ST	91	654,225		654,225	117,425	1,675	119,100	535,125
0374		0806	DC	0929 H ST	91	538,785		538,785	96,705	5,595	102,300	436,485
0374		0807	DC	0931 H ST	91	532,350		532,350	95,550	48,550	144,100	388,250
0374		0808	DC	0933 H ST	91	593,775		593,775	106,575	15,025	121,600	472,175
0374		0809	DC	0935 H ST	91	383,955		383,955	72,853	10,947	83,800	300,155
0374		0810	DC	0937 H ST	91	383,955		383,955	72,853	10,947	83,800	300,155
0374		0811	DC	0939 H ST	91	383,955		383,955	72,853	5,947	78,800	305,155
0374		0812	DC	0801 10TH	91	383,955		383,955	72,853	17,947	90,800	293,155
0374		0813	DC	10TH	91	57,720		57,720	10,952		10,952	46,768
0374		0814	DC	10TH	91	217,230		217,230	38,990	310	39,300	177,930
0374		0815	DC	I ST	91	257,400		257,400	33,000	300	33,300	224,100

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0374		0816	DC	I ST	91	257,595		257,595	33,025	375	33,400	224,195
0374		0817	DC	I ST	91	261,690		261,690	33,550	1,050	34,600	227,090
0374		0818	DC	0936 I ST	91	201,630		201,630	25,850	2,250	28,100	173,530
0374		0819	DC	I ST	91	302,445		302,445	38,775	825	39,600	262,845
0374		0820	DC	I ST	91	302,445		302,445	38,775	525	39,300	263,145
0374		0821	DC	I ST	91	557,115		557,115	71,425	1,575	73,000	484,115
0374		0822	DC	0928 I ST	91	518,115		518,115	66,425	5,575	72,000	446,115
0374		0826	DC	I ST	91	670,215		670,215	85,925	1,675	87,600	582,615
0374		0827	DC	0916 I ST	91	635,895		635,895	81,525	3,475	85,000	550,895
0374		0828	DC	0914 I ST	91	647,790		647,790	83,050	3,950	87,000	560,790
0374		0829	DC	0912 I ST	91	680,355		680,355	87,225	5,775	93,000	587,355
0374		0830	DC	0910 I ST	91	464,100		464,100	59,500	5,500	65,000	399,100
0374		0831	DC	0908 I ST	91	341,250		341,250	43,750	2,450	46,200	295,050
0374		0832	DC	0906 I ST	91	464,880		464,880	59,600	7,500	67,100	397,780
0374		0833	DC	9TH	91	5,265		5,265	675		675	4,590
0374		0834	DC	0828 9TH	91	307,125		307,125	50,400	8,800	59,200	247,925
0374		0835	DC	9TH	91	316,875		316,875	52,000		52,000	264,875
0374		0836	DC	0824 9TH	91	268,125		268,125	41,250	6,650	47,900	220,225
0374		0837	DC	0822 9TH	91	351,000		351,000	54,000	5,000	59,000	292,000
0374		0838	DC	0820 9TH	91	293,085		293,085	45,090	5,010	50,100	242,985
0374		0839	DC	0818 9TH	91	399,555		399,555	61,470	6,530	68,000	331,555
0374		0840	DC	9TH	91	12,870		12,870	1,980		1,980	10,890
0374		0841	DC	9TH	91	441,870		441,870	67,980	1,520	69,500	372,370
0374		0842	DC	0812 9TH	91	421,005		421,005	64,770	11,530	76,300	344,705
0374		0843	DC	0810 9TH	91	358,605		358,605	55,170	10,530	65,700	292,905
0374		0844	DC	0808 9TH	91	374,205		374,205	57,570	6,430	64,000	310,205
0374		0845	DC	I ST	91	1,684,020		1,684,020	215,900	224,100	440,000	1,244,020
0374		0846	DC	H ST	91	483,795		483,795	86,835	1,265	88,100	395,695
0374		0848	DC	0900 9TH	89	86,558,160	67,898,821	154,456,981				154,456,981
0375		0029	TX	0744 9TH	64	580,750	1,263	582,013	126,250	1,250	127,500	454,513
0375		0030	TX	0742 9TH	64	580,750	1,263	582,013	126,250	1,250	127,500	454,513
0375		0066	TX	0919 G	51	239,625	15,375	255,000	53,250	5,750	59,000	196,000
0375		0067	TX	0919 G	64	339,720	894	340,614	53,640	860	54,500	286,114
0375		0070	TX	G	64	308,750	813	309,563	48,750	850	49,600	259,963
0375		0071	TX	G	64	308,750	813	309,563	48,750	850	49,600	259,963
0375		0072	TX	G	64	308,750	813	309,563	48,750	850	49,600	259,963
0375		0088	TX	0719 10TH	51	484,500	100,500	585,000	127,500	34,500	162,000	423,000
0375		0089	TX	G	64	323,000	850	323,850	51,000	900	51,900	271,950
0375		0090	TX	G	64	323,000	850	323,850	51,000	900	51,900	271,950
0375		0091	TX	G	64	323,000	850	323,850	51,000	900	51,900	271,950
0375		0092	TX	0935 G	64	484,500	1,275	485,775	76,500	1,300	77,800	407,975

SQ	SUFF	LOT	TT		PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0375		0106	TX		G	64	293,930	774	294,704	46,410	790	47,200	247,504
0375		0107	TX		G	64	298,490	786	299,276	47,130	770	47,900	251,376
0375		0116	TX		H	64	552,000	1,200	553,200	144,000	1,200	145,200	408,000
0375		0117	TX		H	64	552,000	1,200	553,200	144,000	1,200	145,200	408,000
0375		0123	TX	0926	H ST	52	4,234,734	1,265,266	5,500,000	1,107,120	1,642,880	2,750,000	2,750,000
0375		0804	TX		H	64	552,000	1,200	553,200	144,000	1,200	145,200	408,000
0375		0805	TX	0906	H	64	192,510	419	192,929	41,850		41,850	151,079
0375		0806	TX	0746	9TH	42	281,325	3,675	285,000	93,775	17,225	111,000	174,000
0375		0807	TX	0734	9TH	42	542,520	7,480	550,000	246,600	19,000	265,600	284,400
0375		0808	TX		9TH	91	43,865		43,865	14,150	150	14,300	29,565
0375		0809	TX		G	64	333,830	879	334,709	52,710	890	53,600	281,109
0375		0810	TX		G	64	314,450	828	315,278	27,390	23,110	50,500	264,778
0375		0817	TX	0724	9TH	52	2,308,105	1,448,030	3,756,135	744,550	265,450	1,010,000	2,746,135
0375		0819	TX		H ST	64	1,426,230	3,101	1,429,331	372,060	3,140	375,200	1,054,131
0375		0820	TX		H	64	538,200	1,170	539,370	140,400	1,200	141,600	397,770
0375		0821	TX		H	64	544,870	1,185	546,055	142,140	1,160	143,300	402,755
0375		0822	DC	0740	H	89	1,733,275	76,725	1,810,000	549,575	75,725	625,300	1,184,700
0375		0823	E1	0715	10TH	81	5,195,370	704,630	5,900,000	1,426,180	600,020	2,026,200	3,873,800
0375		0825	DC		G ST	66	18,182,880	10,767,120	28,950,000	6,060,960	10,766,040	16,827,000	12,123,000
0376		0036	TX	0921	F	42	448,800	6,200	455,000	132,000	18,000	150,000	305,000
0376		0037	TX	0923	F	42	448,800	6,200	455,000	132,000	18,000	150,000	305,000
0376		0038	TX	0925	F	42	290,400	16,200	306,600	132,000	18,000	150,000	156,600
0376		0039	TX	0927	F	42	290,400	16,200	306,600	132,000	18,000	150,000	156,600
0376		0040	TX	0929	F	42	290,400	6,200	296,600	132,000	18,000	150,000	146,600
0376		0041	TX	0931	F	42	290,400	11,200	301,600	132,000	13,000	145,000	156,600
0376		0042	TX	0935	F	42	448,800	6,200	455,000	132,000	18,000	150,000	305,000
0376		0043	TX	0935	F	42	448,800	6,200	455,000	132,000	18,000	150,000	305,000
0376		0044	TX	0937	F	42	290,400	6,200	296,600	132,000	13,000	145,000	151,600
0376		0045	TX	0939	F	42	290,400	6,200	296,600	132,000	13,000	145,000	151,600
0376		0046	TX	0941	F	42	321,750	12,750	334,500	146,250	34,250	180,500	154,000
0376		0048	TX	0911	F	61	422,070	252,930	675,000	191,850	78,150	270,000	405,000
0376		0063	TX	0917	F	42	430,815	9,185	440,000	195,825	9,175	205,000	235,000
0376		0064	TX	0919	F	42	422,070	12,930	435,000	191,850	21,150	213,000	222,000
0376		0068	E3	0624	9TH	52	1,183,000	3,906,500	5,089,500				5,089,500
0376		0068	TX	0624	9TH	52	637,000	2,103,500	2,740,500				2,740,500
0376		0069	TX		9TH	64	1,845,112	6,783	1,851,895				1,851,895
0376		0070	TX	0907	F ST	42	3,605,760	74,240	3,680,000				3,680,000
0376		0800	TX	0907	F	42	1,531,210	68,790	1,600,000	644,720	105,280	750,000	850,000
0376		0801	TX	0915	F	61	844,140	290,860	1,135,000	383,700	86,300	470,000	665,000
0376		0802	TX	0916	G ST	52	1,381,320	698,680	2,080,000	460,440	539,560	1,000,000	1,080,000
0376		0803	E1	0615	10TH	81	10,809,960	1,340,040	12,150,000	3,179,400	568,400	3,747,800	8,402,200

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0377		0027	US	0517 10TH	89	135,135	124,865	260,000	53,235	124,065	177,300	82,700
0377		0033	TX	0508 9TH	66	544,140	15,115	559,255	211,610	26,490	238,100	321,155
0377		0034	TX	0917 E	42	801,735	8,265	810,000	291,540	42,760	334,300	475,700
0377		0035	TX	0932 F ST	52	2,836,280	913,720	3,750,000	1,187,280	1,676,520	2,863,800	886,200
0377		0036	TX	0911 E ST	68	629,640	135,360	765,000	228,960	210,140	439,100	325,900
0377		0037	TX	0913 E ST	68	629,640	70,360	700,000				700,000
0377		0038	TX	0929 E ST	52	5,572,770	1,927,230	7,500,000				7,500,000
0377		0801	TX	0903 E	42	637,740	17,715	655,455	265,725	9,675	275,400	380,055
0377		0802	TX	0905 E	75	1,210,770	139,230	1,350,000	440,280	66,720	507,000	843,000
0377		0806	TX	0915 E	42	629,640	2,860	632,500	228,960	20,140	249,100	383,400
0377		0807	TX	0919 E	42	801,735	358,000	1,159,735	291,540	52,760	344,300	815,435
0377		0819	TX	0527 10TH	42	220,400	19,600	240,000	121,800	63,200	185,000	55,000
0377		0820	TX	0940 F	42	201,795	3,205	205,000	116,185	10,815	127,000	78,000
0377		0821	TX	0938 F	42	194,535	2,965	197,500	112,005	9,795	121,800	75,700
0377		0823	TX	0928 F	51	1,298,055	76,945	1,375,000	550,690	62,010	612,700	762,300
0377		0824	TX	0926 F	42	198,000	2,000	200,000	102,000	6,000	108,000	92,000
0377		0825	TX	0922 F	42	488,730	11,270	500,000	207,340	18,260	225,600	274,400
0377		0826	TX	0920 F	33	918,060	40,000	958,060	389,480	28,360	417,840	540,220
0377		0827	TX	0918 F	52	703,395	231,605	935,000	298,410	26,590	325,000	610,000
0377		0828	TX	0916 F	42	703,395	1,605	705,000	298,410	16,590	315,000	390,000
0377		0829	TX	0914 F	42	553,080	1,920	555,000	234,640	8,360	243,000	312,000
0377		0834	TX	0518 9TH	42	180,730	4,270	185,000	115,010	9,890	124,900	60,100
0377		0835	TX	0516 9TH	42	226,270	18,730	245,000	143,990	17,110	161,100	83,900
0377		0836	TX	0514 9TH	42	220,990	19,010	240,000	140,630	16,570	157,200	82,800
0377		0837	TX	0512 9TH	52	460,680	564,320	1,025,000	293,160	440,640	733,800	291,200
0377		0838	TX	0510 9TH	41	298,440	8,290	306,730	116,060	5,140	121,200	185,530
0377		0839	TX	0506 9TH	42	346,320	9,620	355,940	134,680	24,320	159,000	196,940
0377		0840	TX	0504 9TH	42	346,320	9,620	355,940	144,300	6,900	151,200	204,740
0377		0843	TX	0925 E	52	5,572,515	1,927,485	7,500,000	1,857,505	1,070,295	2,927,800	4,572,200
0377		0844	US	0511 10TH	66	1,591,425	1,428,575	3,020,000	723,375	1,207,725	1,931,100	1,088,900
0377		0845	TX	0509 9TH	42	676,080	18,780	694,860	281,700	11,900	293,600	401,260
0377		0846	TX	0904 F	52	3,145,962	896,500	4,042,462	1,204,535	1,637,165	2,841,700	1,200,762
0377		0847	TX	0910 F ST	42	388,410	1,590	390,000	164,780	7,220	172,000	218,000
0377		0848	TX	0912 F ST	42	553,410	1,590	555,000	234,780	8,220	243,000	312,000
0403		0013	TX	0901 9TH	64	189,200	860	190,060	60,200		60,200	129,860
0403		0014	TX		64	184,437	789	185,226	47,340	360	47,700	137,526
0403		0015	TX	9TH	64	261,577	1,119	262,696	67,140	560	67,700	194,996
0403		0016	TX	9TH	64	261,577	1,119	262,696	67,140	560	67,700	194,996
0403		0017	TX	0911 9TH	64	220,553	944	221,497	56,610	4,390	61,000	160,497
0403		0801	TX	I	64	265,902	569	266,471	68,250	550	68,800	197,671

SQ SUFF	LOT	TT		PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0403	0802	TX		I	64	143,178	306	143,484	36,750	350	37,100	106,384
0403	0803	TX	0807	I 8T	64	284,369	608	284,977	60,825	7,175	68,000	216,977
0403	0804	TX	0809	I	64	274,200	1,173	275,373	58,650	7,350	66,000	209,373
0403	0807	TX	0913	9TH	64	246,851	1,056	247,907	63,360	4,640	68,000	179,907
0403	0808	TX		9TH	64	246,851	1,056	247,907	63,360	540	63,900	184,007
0403	0809	TX	0933	9TH	64	278,993	1,064	280,057	71,610	9,390	81,000	199,057
0403	0810	TX	0937	9TH	64	214,709	919	215,628	55,110	5,890	61,000	154,628
0403	0811	TX	0941	9TH	64	43,365		43,365	37,170	10,830	48,000	4,635
0403	0812	TX	0945	9TH	64	43,610		43,610	37,380	4,620	42,000	1,610
0403	0813	TX	0949	9TH	64	134,996		134,996	40,425	3,575	44,000	90,996
0403	0814	TX	0951	9TH	64	392,717		392,717	109,200	32,800	142,000	250,717
0403	0815	TX	0808	K	64	422,287		422,287	99,358	5,642	105,000	317,287
0403	0816	TX	0806	K	64	263,448		263,448	61,985		61,985	201,463
0403	0817	TX	0802	K	64	268,824	575	269,399	69,000	600	69,600	199,799
0403	0818	TX	0800	K	64	268,824	575	269,399	69,000	600	69,600	199,799
0403	0819	TX		8TH	64	158,372	339	158,711	27,100	300	27,400	131,311
0403	0820	TX		8TH	64	158,372	339	158,711	27,100	300	27,400	131,311
0403	0821	TX		8TH	64	161,061	345	161,406	27,560	340	27,900	133,506
0403	0822	TX		8TH	64	84,950	750	85,700	67,960	840	68,800	16,900
0403	0823	TX		8TH	64	246,032	526	246,558	42,100	500	42,600	203,958
0403	0824	TX		8TH	64	139,555	299	139,854	23,880	320	24,200	115,654
0403	0825	TX	0910	8TH	64	377,406	807	378,213	64,580	4,420	69,000	309,213
0403	0826	TX	0908	8TH	64	167,840	359	168,199	28,720		28,720	139,479
0403	0828	TX	0813	I	64	179,761	769	180,530	38,450	3,550	42,000	138,530
0403	0829	TX			64	105,309	225	105,534	27,030		27,030	78,504
0403	0830	TX	0801	I	64	144,931	310	145,241	37,200		37,200	108,041
0403	0831	TX	0815	I	64	229,786	983	230,769	49,150	4,850	54,000	176,769
0403	0832	TX	0804	K	64	280,512		280,512	66,000	6,500	72,500	208,012
0403N	0800	DC	0801	K 8T	86		400,000	400,000	4,788,400		4,788,400	4,388,400
0403N	0800	US	0801	K 8T	91	15,562,300		15,562,300				15,562,300
0404	0011	TX	0807	M	42	179,563	2,937	182,500	53,125	5,875	59,000	123,500
0404	0012	TX	0809	M	45	166,719	8,281	175,000	49,325	20,675	70,000	105,000
0404	0017	TX	0819	9TH	91	375,015		375,015	97,830	24,170	122,000	253,015
0404	0018	TX	0804	I	91	132,135		132,135	22,980		22,980	109,155
0404	0019	TX	0802	I	91	132,135		132,135	22,980		22,980	109,155
0404	0020	TX	0800	I	91	132,020		132,020	22,960	4,040	27,000	105,020
0404	0021	TX	0824	8TH	01	103,448	1,552	105,000	26,525	5,475	32,000	73,000
0404	0022	TX		9TH	94	77,708		77,708	27,895		27,895	49,813
0404	0023	TX	0814	I	63	92,138	5,430	97,568	33,075	21,925	55,000	42,568
0404	0024	TX		I	94	92,138		92,138	33,075		33,075	59,063
0404	0025	TX		I	94	113,783		113,783	40,845		40,845	72,938
0404	0026	TX		9TH	94	198,803		198,803	71,365		71,365	127,438

SQ SUFF LOT TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0404 0027 TX 0811	9TH	91	571,205		571,205	149,010	16,990	166,000	405,205
0404 0028 TX 0805	M ST	91	158,815		158,815	46,750	5,250	52,000	106,815
0404 0029 TX 0801	9TH	65	720,000	5,000	725,000	252,000	27,000	279,000	446,000
0404 0800 TX 0801	M	62	209,918	2,082	212,000	64,590	2,410	67,000	145,000
0404 0801 TX 0803	8TH	51	158,015	11,985	170,000	46,750	3,250	50,000	120,000
0404 0804 TX 0809	9TH	91	228,390		228,390	59,580		59,580	168,810
0404 0805 TX 0813	9TH	91	228,505		228,505	59,610	6,390	66,000	162,505
0404 0808 TX 0810	I	91	293,250		293,250	63,750	13,250	77,000	216,250
0404 0809 TX 0808	I	91	258,750		258,750	45,000		45,000	213,750
0404 0810 TX 0806	I	91	103,500		103,500	18,000		18,000	85,500
0404 0811 E1	8TH	94	119,600		119,600	26,000		26,000	93,600
0404 0812 E1 0822	8TH	85	159,505	5,495	165,000	34,675	1,825	36,500	128,500
0404 0813 E1 0816	8TH	81	1,206,235	263,765	1,470,000	262,225	265,775	528,000	942,000
0405 0015 TX 0800	M	64	100,343	393	100,736	31,480	420	31,900	68,836
0405 0016 TX 0802	M	42	82,940	3,060	86,000	30,160	2,040	32,200	53,800
0405 0017 TX 0804	M	01	82,280	2,720	85,000	29,920	3,180	33,100	51,900
0405 0018 TX 0806	M	42	91,190	3,810	95,000	33,160	3,940	37,100	57,900
0405 0808 TX 0727	9TH	64	250,070	736	250,806	66,195	705	66,900	183,906
0405 0812 TX 0808	M	42	220,000	5,000	225,000	80,000	8,600	88,600	136,400
0405 0813 TX	M	64	250,030	1,137	251,167	102,285	1,115	103,400	147,767
0405 0831 TX 0701	9TH	64	1,386,520	4,078	1,390,598	489,360	4,140	493,500	897,098
0405 0833 TX 0741	9TH	52	2,701,130	23,870	2,725,000	794,450	144,450	938,900	1,786,100
0405 0834 TX 0715	9TH	64	2,517,360	7,404	2,524,764	888,480	7,420	895,900	1,628,864
0405 0836 TX		64	2,686,850	7,903	2,694,753	869,275	7,925	877,200	1,817,553
0405 0837 TX		64	601,460	1,769	603,229	159,210	1,790	161,000	442,229
0405 0838 TX		64	630,360	1,854	632,214	166,860	1,840	168,700	463,514
0405 0839 TX		52	1,013,115	711,885	1,725,000	397,300	140,200	537,500	1,187,500
0406 0011 TX 0802	F	51	489,320	106,820	596,140	225,840	54,260	280,100	316,040
0406 0015 TX 0814	F	42	383,900	6,100	390,000	191,950	8,450	200,400	189,600
0406 0023 TX	9TH	64	716,100	2,367	718,467	358,050	2,350	360,400	358,067
0406 0024 TX	9TH	64	591,600	1,972	593,572	295,800	2,000	297,800	295,772
0406 0025 TX	9TH	64	192,300	641	192,941	96,150	650	96,800	96,141
0406 0800 TX	9TH	64	1,722,000	5,740	1,727,740	861,000	5,800	866,800	860,940
0406 0801 TX 0809	E	64	284,570	1,294	285,864	155,220	1,280	156,500	129,364
0406 0802 TX 0811	E	64	254,100	1,155	255,255	138,600	1,200	139,800	115,455
0406 0803 TX	9TH	64	644,850	2,150	647,000	322,425	2,175	324,600	322,400
0406 0807 TX 0818	F	42	98,450	1,550	100,000	40,275	2,225	42,500	57,500
0406 0808 TX 0812	F	42	174,240	5,760	180,000	79,200	4,600	83,800	96,200
0406 0809 TX		94	483,860		483,860	223,320		223,320	260,540
0406 0810 TX		64	324,350	1,248	325,598	149,700	1,300	151,000	174,598
0406 0811 TX		64	325,780	1,253	327,033	150,360	1,340	151,700	175,333

BB	SUFF	LOT	TT		PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0406		0812	TX			64	75,150	250	75,400	37,575	225	37,800	37,600
0406		0814	TX	0527	9TM	52	783,488	116,512	900,000	460,875	64,325	525,200	374,800
0406		0815	TX		8TM	64	659,550	2,199	661,749	285,805	2,195	288,000	373,749
0427		0004	TX	0910	7TM	42	193,674	1,326	195,000	57,300	8,700	66,000	129,000
0427		0021	TX	0906	7TM	42	305,214	94,786	400,000				400,000
0427		0808	TX		8TM	94	140,400		140,400	43,200		43,200	97,200
0427		0801	TX	0901	8TM	51	117,000	42,600	159,600	36,000	40,000	76,000	83,600
0427		0813	TX	0908	7TM	42	509,438	165,562	675,000	156,750	168,750	325,500	349,500
0427		0814	TX	0934	7TM	42	529,880	10,120	540,000	142,660	47,940	190,600	349,400
0427		0819	TX		7TM	64	2,446,080	9,408	2,455,488	470,400		470,400	1,985,088
0427		0821	TX	0709	I ST	64	3,947,431		3,947,431	958,890	5,510	964,400	2,983,031
0427		0822	TX	0711	I ST	42	288,600	6,400	295,000	88,800	18,000	106,800	188,200
0428		0006	TX		I	64	734,825	2,975	737,800	208,250		208,250	529,550
0428		0016	TX	0707	M	42	159,375	5,625	165,000	38,250	6,750	45,000	120,000
0428		0017	TX	0806	7TM	42	460,000	15,000	475,000	110,400	19,600	130,000	345,000
0428		0801	TX	0705	M	42	104,250	3,250	107,500	29,190	4,410	33,600	73,900
0428		0802	TX	0709	M	42	268,875	1,125	270,000	64,530	4,970	69,500	200,500
0428		0803	TX		M	91	171,113		171,113	50,625		50,625	120,488
0428		0804	TX	0807	8TM	42	118,300	6,700	125,000	35,000	5,500	40,500	84,500
0428		0805	TX		8TM	94	575,250		575,250	177,000		177,000	398,250
0428		0806	TX	0816	7TM	42	983,873	96,127	1,080,000	302,730	131,070	433,800	646,200
0428		0807	TX		8TM	91	241,410		241,410	74,280		74,280	167,130
0428		0808	TX	0820	7TM	42	1,364,675	25,500	1,390,175	386,750	199,550	586,300	803,875
0428		0809	TX	0810	7TM	94	223,470		223,470	68,760		68,760	154,710
0428		0810	TX	0804	7TM	42	186,000	4,000	190,000	44,640	6,360	51,000	139,000
0428		0811	TX	0803	8TM	67	165,750	9,250	175,000	51,000	9,300	60,300	114,700
0428		0812	TX	0717	M	67	165,750	9,250	175,000	51,000	5,850	56,850	118,150
0428		0813	TX	0715	M	42	107,738	7,262	115,000	31,875	13,125	45,000	70,000
0428		0814	TX	0713	M	42	107,738	2,262	110,000	31,875	2,625	34,500	75,500
0428		0815	TX	0701	M ST	42	267,625	7,375	275,000	74,935	22,065	97,000	178,000
0429		0018	TX	0713	G	42	367,200	137,200	504,400	129,600	30,400	160,000	344,400
0429		0019	E1		8TM	64	222,020	653	222,673	52,240		52,240	170,433
0429		0020	TX	0728	7TM	42	391,930	58,070	450,000	160,335	18,465	178,800	271,200
0429		0800	TX	0700	7TM	42	178,500	3,500	182,000	70,000	18,000	88,000	94,000
0429		0801	TX	0707	G	42	220,000	75,000	295,000	80,000	11,000	91,000	204,000
0429		0802	TX	0709	G	42	220,000	50,000	270,000	80,000	12,000	92,000	178,000
0429		0803	TX	0711	G	42	220,000	25,000	245,000	80,000	10,500	90,500	154,500
0429		0811	TX	0702	M	42	205,040	176,670	381,710	205,040	30,160	235,200	146,510
0429		0812	TX	0734	7TM	42	200,310	29,690	230,000	81,945	8,955	90,900	139,100
0429		0813	TX	0732	7TM	42	225,610	39,390	265,000	92,295	5,805	98,100	166,900
0429		0816	TX	0726	7TM	67	269,060	45,940	315,000	110,070	22,130	132,200	182,800

SQ SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0429	0817	TX	0720 7TH	67	577,390	97,610	675,000	236,205	41,095	277,300	397,700
0429	0818	TX	0718 7TH	42	198,550	8,258	206,808	81,225	10,175	91,400	115,408
0429	0821	TX	0712 7TH	42	167,200	8,258	175,458	68,400	6,200	74,600	100,858
0429	0822	TX	0710 7TH	42	236,830	8,258	245,088	96,885	9,915	106,800	138,288
0429	0823	TX	0708 7TH	42	160,050	29,950	190,000	65,475	10,525	76,000	114,000
0429	0824	TX	0706 7TH	42	154,000	8,258	162,258	63,000	10,000	73,000	89,258
0429	0825	TX	0704 7TH	42	154,000	8,258	162,258	63,000	7,000	70,000	92,258
0429	0826	TX	0702 7TH	42	154,000	26,000	180,000	63,000	4,900	67,900	112,100
0429	0832	TX	0714 7TH	42	207,240	8,258	215,498	84,780	11,420	96,200	119,298
0429	0833	E1	0716 7TH	42	213,400	26,600	240,000	87,300	10,400	97,700	142,300
0429	0835	E1	0711 8TH	61	5,274,930	1,225,070	6,500,000	1,551,450	1,165,450	2,716,900	3,783,100
0429S	0800	US	0600 7TH	52	30,978,080	12,021,920	43,000,000	15,489,040	6,920,660	22,409,700	20,590,300
0430	0800	US	0701 E	52	10,930,830	4,069,170	15,000,000	3,214,950	2,650,050	5,865,000	9,135,000
0452	0012	TX	0602 MASS	91	97,090		97,090	30,660	1,340	32,000	65,090
0452	0013	TX	0600 MASS	91	88,445		88,445	27,930		27,930	60,515
0452	0014	TX	0902 6TH	01	126,940	3,060	130,000	40,390	2,610	43,000	87,000
0452	0015	TX	0915 7TH	64	241,020		241,020	46,350	13,650	60,000	181,020
0452	0016	TX	0917 7TH	64	230,100		230,100	44,250	10,750	55,000	175,100
0452	0017	TX	0919 7TH	64	224,770		224,770	43,225	11,775	55,000	169,770
0452	0018	TX	0921 7TH	64	221,125		221,125	61,915	11,085	73,000	148,125
0452	0019	TX	0923 7TH	64	230,500		230,500	64,540	6,460	71,000	159,500
0452	0020	TX	7TH	64	226,375		226,375	63,385		63,385	162,990
0452	0021	TX	0927 7TH	64	265,625		265,625	74,375	3,625	78,000	187,625
0452	0022	TX	MASS	64	215,500		215,500	60,340		60,340	155,160
0452	0023	TX	MASS	64	270,530		270,530	62,430		62,430	208,100
0452	0024	TX	MASS	64	289,380		289,380	66,780		66,780	222,600
0452	0025	TX	0620 MASS	62	327,860	2,140	330,000	75,660	2,340	78,000	252,000
0452	0026	TX	0900 6TH	01	19,132	3,338	22,470	17,880	1,120	19,000	3,470
0452	0027	TX	0601 I	01	74,276	2,724	77,000	21,975	2,025	24,000	53,000
0452	0028	TX	0603 I	01	98,274	3,226	101,500	29,075	2,925	32,000	69,500
0452	0029	TX	0605 I	01	106,301	2,699	109,000	31,450	3,550	35,000	74,000
0452	0800	TX	I	64	129,708	849	130,557	38,375	725	39,100	91,457
0452	0802	TX	I	64	184,126	1,089	185,215	54,475	1,025	55,500	129,715
0452	0803	TX	I	64	147,791	874	148,665	43,725	875	44,600	104,065
0452	0804	TX	0637 I	64	177,060		177,060	54,480	2,520	57,000	120,060
0452	0805	TX	0901 7TH	42	457,763	17,237	475,000	140,850	70,150	211,000	264,000
0452	0806	TX	0905 7TH	64	393,380		393,380	75,650	12,350	88,000	305,380
0452	0807	TX	0907 7TH	64	436,410		436,410	83,925	11,075	95,000	341,410
0452	0808	TX	0909 7TH	64	288,600		288,600	55,500	14,500	70,000	218,600
0452	0809	TX	0911 7TH	64	287,040		287,040	55,200	14,800	70,000	217,040
0452	0810	TX	0913 7TH	64	262,080		262,080	50,400	14,600	65,000	197,080

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0452		0811	TX	0630 MASS	64	351,780		351,780	81,180	2,820	84,000	267,780
0452		0812	TX	0626 MASS	41	386,490	3,510	390,000	89,190	2,810	92,000	298,000
0452		0813	TX	MASS	64	161,595	850	162,445	51,030	870	51,900	110,545
0452		0814	TX	MASS	64	276,735	1,457	278,192	87,390		87,390	190,802
0452		0817	TX	0613 I	67	347,718	42,282	390,000	102,875	45,125	148,000	242,000
0452		0818	TX	0621 I	01	88,049	1,951	90,000	26,050	1,950	28,000	62,000
0452		0819	TX	0623 I	01	91,007	1,993	93,000	26,925	1,075	28,000	65,000
0452		0820	TX	0607 I	01	130,975	4,025	135,000	38,750	4,250	43,000	92,000
0452		0821	TX	0609 EYE	64	140,524	919	141,443	41,575	825	42,400	99,043
0452		0822	TX	0625 EYE	64	189,111	1,119	190,230	55,950	1,150	57,100	133,130
0452		0823	TX	0627 I	51	198,068	6,932	205,000	58,600	12,400	71,000	134,000
0452		0824	TX	0631 I	91	203,899		203,899	60,325	10,675	71,000	132,899
0452		0825	TX	0618 EYE	64	205,390	1,081	206,471	64,860		64,860	141,611
0452		0826	TX	0616 MASS	64	193,895	1,020	194,915	61,230		61,230	133,685
0452		0827	TX	MASS	64	182,875	962	183,837	57,750		57,750	126,087
0452		0828	TX	MASS	64	172,425	907	173,332	54,450		54,450	118,882
0452		0829	TX		64	161,975	852	162,827	51,150		51,150	111,677
0452		0830	TX	0608 MASS	64	151,525	797	152,322	47,850		47,850	104,472
0452		0831	TX	MASS	64	140,030	737	140,767	44,220		44,220	96,547
0452		0832	TX	0604 MASS	64	128,535	676	129,211	40,590		40,590	88,621
0453		0022	TX	0629 M	67	206,941	3,059	210,000	73,470	10,530	84,000	126,000
0453		0023	TX	0631 M	45	214,039	4,461	218,500	75,990	12,010	88,000	130,500
0453		0024	TX	0813 7TH	42	126,666	3,334	130,000	44,970	9,030	54,000	76,000
0453		0025	TX	0815 7TH	41	116,357	3,643	120,000	41,310	8,690	50,000	70,000
0453		0026	TX	0819 7TH	41	128,440	3,060	131,500	45,600	6,400	52,000	79,500
0453		0027	TX	0819 7TH	42	186,576	23,474	210,050	66,240	43,760	110,000	100,050
0453		0028	TX	7TH	94	177,450		177,450	63,000		63,000	114,450
0453		0029	TX	0825 7TH	42	166,888	4,112	171,000	59,250	15,750	75,000	96,000
0453		0030	TX	0827 7TH	42	137,482	5,518	143,000	48,810	15,190	64,000	79,000
0453		0031	TX	0829 7TH	42	134,271	7,229	141,500	47,670	15,330	63,000	78,500
0453		0040	TX	0614 I	01	162,832	2,168	165,000	48,175	11,425	59,600	105,400
0453		0043	TX	0615 M	64	230,178	1,362	231,540	95,340	1,360	96,700	134,840
0453		0048	TX	0633 M	42	516,380	18,620	535,000	213,885	26,115	240,000	295,000
0453		0050	TX	0612 I ST	01	162,832	2,168	165,000	48,175	408,125	456,300	291,300
0453		0051	E1	0600 EYE	81	828,750	671,250	1,500,000	74,375		74,375	1,425,625
0453		0052	E8	0800 6TH	22	2,572,180	4,287,000	6,859,180				6,859,180
0453		0802	TX	0609 M	67	221,221	8,779	230,000	78,540	15,460	94,000	136,000
0453		0803	TX	0611 M	42	224,601	5,399	230,000	79,740	13,260	93,000	137,000
0453		0804	TX	0613 M	64	230,178	1,362	231,540	95,340	1,360	96,700	134,840
0453		0805	TX	0617 M	42	229,249	5,751	235,000	81,390	8,610	90,000	145,000
0453		0809	TX	0623 M	42	471,595	13,405	485,000	195,335	21,665	217,000	268,000

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0453		0810	TX	0627 M	42	258,232	6,768	265,000	91,680	18,320	110,000	155,000
0453		0811	TX	0801 7TH	42	343,688	16,312	360,000	123,375	28,625	152,000	208,000
0453		0812	TX	0811 7TH	41	160,212	6,788	167,000	56,880	13,120	70,000	97,000
0453		0813	TX	0636 I	64	725,340	3,454	728,794	207,240	3,460	210,700	518,094
0453		0815	TX	0624 I	42	224,517	2,483	227,000	66,425	5,575	72,000	155,000
0453		0816	TX	I	64	308,763	1,827	310,590	91,350	1,850	93,200	217,390
0453		0817	TX	0620 I	01	269,386	5,614	275,000	79,700	17,300	97,000	178,000
0453		0818	TX	0618 I	01	277,921	5,079	283,000	82,225	10,775	93,000	190,000
0453		0819	TX	0616 I	01	277,921	7,079	285,000	82,225	24,775	107,000	178,000
0453		0821	TX	0610 I	01	168,409	2,591	171,000	49,825	12,175	62,000	109,000
0453		0830	TX	0619 M	75	461,201	13,799	475,000	191,030	21,970	213,000	262,000
0453		0831	TX	0831 7TH	61	189,540	237,960	427,500	110,565	81,435	192,000	235,500
0453		0832	TX	I	64	223,650	1,065	224,715	53,250	1,050	54,300	170,415
0453		0833	TX	I	64	460,005	2,190	462,195	109,525	2,175	111,700	350,495
0453		0834	TX	0608 I	01	86,613	3,387	90,000	25,625	3,375	29,000	61,000
0453		0835	TX	I	91	81,796		81,796	24,200		24,200	57,596
0453		0839	TX	0807 7TH	67	240,825	9,220	250,045	99,750	15,250	115,000	135,045
0454		0006	TX	0627 G	75	1,552,500	22,500	1,575,000	465,750	62,850	528,600	1,046,400
0454		0037	TX	0622 M	74	428,780	21,220	450,000	194,900	13,700	208,600	241,400
0454		0038	TX		94	72,360		72,360	72,360		72,360	
0454		C040	TX	613 G ST	52	3,130,350	4,944,650	8,075,000	1,043,450	4,874,550	5,918,000	2,157,000
0454		0041	TX	0614 H ST	52	2,570,850	3,354,150	5,925,000	856,950	2,993,050	3,850,000	2,075,000
0454		0043	TX	0605 G ST	52	1,651,200	3,548,800	5,200,000	567,600	2,532,400	3,100,000	2,100,000
0454		0044	E9	7TH	64	8,652,150	25,448	8,677,598				8,677,598
0454		0804	TX	0621 G	75	436,200	3,800	440,000	130,860	17,440	148,300	291,700
0454		0806	TX	0631 G	42	405,000	5,000	410,000	121,500	5,500	127,000	283,000
0454		0820	TX	0624 M	42	294,250	5,750	300,000	120,375	9,725	130,100	169,900
0454		0821	TX	0622 M	67	235,950	4,050	240,000	96,525	7,575	104,100	135,900
0454		0822	TX	0620 M	42	247,500	2,500	250,000	101,250	6,450	107,700	142,300
0454		0824	TX	0616 M	42	237,600	2,400	240,000	97,200	6,500	103,700	136,300
0454		0827	TX	0610 M	42	210,540	4,460	215,000	86,130	6,770	92,900	122,100
0454		0828	TX	0608 M	42	199,760	5,240	205,000	81,720	6,480	88,200	116,800
0454		0829	TX	0606 M	51	275,000	10,000	285,000	112,500	10,000	122,500	162,500
0454		0830	TX	0604 M	42	319,000	4,000	323,000	130,500	8,000	138,500	184,500
0454		0831	TX	0750 6TH	42	140,000	5,000	145,000	56,000	5,400	61,400	83,600
0454		0832	TX	0748 6TH	42	140,800	9,200	150,000	51,200	3,600	54,800	95,200
0454		0833	TX	0746 6TH	01	132,000	13,000	145,000	48,000	4,300	52,300	92,700
0454		0834	TX	0744 6TH	01	132,000	13,000	145,000	48,000	2,100	50,100	94,900
0454		0835	TX	0742 6TH	91	132,000		132,000	48,000	3,300	51,300	80,700
0454		0836	TX	0738 6TH	51	278,850	41,150	320,000	101,400	38,500	139,900	180,100
0454		0837	TX	0736 6TH	51	176,880	23,120	200,000	64,320	5,080	69,400	130,600

BD	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0454		0838	TX	0734 6TH	01	176,880	23,120	200,000	64,320	3,080	67,400	132,600
0454		0839	TX	0732 6TH	21	463,540	1,460	465,000	168,560	8,540	177,100	287,900
0454		0840	TX	0728 6TH	64	332,550	1,109	333,659	88,680	1,120	89,800	243,859
0454		0841	TX	6TH	64	241,050	804	241,854	64,280	820	65,100	176,754
0454		0843	TX		94	241,200		241,200	72,360		72,360	168,840
0454		0844	TX		94	241,350		241,350	72,405		72,405	168,945
0454		0845	TX	0714 6TH	74	162,000	73,000	235,000	48,600	157,100	205,700	29,300
0454		0846	TX		94	320,250		320,250	96,075		96,075	224,175
0454		0847	TX		94	241,200		241,200	72,360		72,360	168,840
0454		0848	TX	0710 6TH	63	241,200	3,800	245,000	64,320	7,680	72,000	173,000
0454		0849	TX		94	327,000		327,000	87,200		87,200	239,800
0454		0852	TX	0633 G	75	82,665	2,335	85,000	37,575	5,425	43,000	42,000
0454		0856	TX	0618 H	42	237,600	7,400	245,000	97,200	6,600	103,800	141,200
0454		0857	TX	H	91	3,600		3,600	3,600		3,600	
0454		0859	TX	0625 G	75	436,200	3,800	440,000	130,860	14,640	145,500	294,500
0454		0860	TX	0627 G	75	705,450	9,550	715,000	211,635	28,290	239,925	475,075
0454		0862	TX	0706 6TH	63	366,300	3,700	370,000	97,680	12,320	110,000	260,000
0455		0015	RL	G	64	1,097,180	3,227	1,100,407	354,970	3,230	358,200	742,207
0455		0018	RL		64	994,160	2,924	997,084	321,640	1,460	323,100	673,984
0455		0030	RL	6TH	64	298,010	877	298,887	96,415	885	97,300	201,587
0455		0031	RL	6TH	64	298,350	878	299,228	96,525	875	97,400	201,828
0455		0032	RL		64	298,350	878	299,228	96,525	875	97,400	201,828
0455		0033	RL		64	298,350	878	299,228	96,525	875	97,400	201,828
0455		0036	RL	0624 G	64	548,590	1,614	550,204	177,485		177,485	372,719
0455		0038	RL	0609 7TH	64	242,930	715	243,645	85,740		85,740	157,905
0455		0039	RL	0639 F	64	389,130	1,145	390,275	137,340		137,340	252,935
0455		0040	RL	0611 F	42	330,990	1,510	332,500	107,085	17,915	125,000	207,500
0455		0042	RL	0635 F	52	605,200	79,800	685,000	195,800	104,200	300,000	385,000
0455		0043	RL	0631 F	41	587,180	2,820	590,000	189,970	2,430	192,400	397,600
0455		0044	RL	0633 F	64	473,960	1,040	475,000	153,340	1,360	154,700	320,300
0455		0045	E9	7TH	91	1,562,100		1,562,100	520,700		520,700	1,041,400
0455		0800	RL	0601 F ST	42	282,200	2,800	285,000	91,300	18,200	109,500	175,500
0455		0801	RL	0603 F	42	327,080	2,920	330,000	105,820	6,480	112,300	217,700
0455		0802	RL	F	64	327,080	962	328,042	105,820	480	106,300	221,742
0455		0803	RL	607 F ST	64	461,040	1,356	462,396	149,160	640	149,800	312,596
0455		0804	RL	0609 F	42	431,290	3,710	435,000	134,535	19,465	159,000	276,000
0455		0805	RL	0613 F	51	389,810	5,190	395,000	126,115	11,885	138,000	257,000
0455		0806	RL	0615 F	42	389,810	2,690	392,500	126,115	28,085	154,200	238,300
0455		0807	RL	0617 F	42	408,680	1,320	410,000	132,220	30,880	163,100	246,900
0455		0808	RL	0619 F	42	400,180	1,820	402,000	129,470	6,230	135,700	266,300
0455		0809	RL	0621 F	42	404,430	2,570	407,000	130,845	18,555	149,400	257,600

SQ	SUFF	LOT	TT	PREM	USE	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ER ENCE
0455		0810	RL	0623 F	42	460,870	2,130	463,000	149,105	18,895	168,000	295,000
0455		0811	RL	0625 F	42	523,770	1,230	525,000	169,455	22,545	192,000	333,000
0455		0812	RL	0627 F	42	548,590	1,410	550,000	177,485	20,515	198,000	352,000
0455		0813	RL	0629 F	51	548,590	1,410	550,000	177,485	22,515	200,000	350,000
0455		0815	RL	0637 F	64	379,610	1,117	380,727	133,980		133,980	246,747
0455		0816	RL	0605 7TH	64	371,110	1,092	372,202	130,980		130,980	241,222
0455		0817	RL	0611 7TH	64	378,080	1,112	379,192	133,440		133,440	245,752
0455		0818	RL	0613 7TH	64	486,200	1,430	487,630	171,600		171,600	316,030
0455		0823	RL		64	73,610	217	73,827	23,815	185	24,000	49,827
0455		0824	RL	G	64	515,100	1,515	516,615	166,650	1,550	168,200	348,415
0455		0825	RL	0638 6TH	64	582,080	1,712	583,792	188,320	1,880	190,200	393,592
0455		0826	RL	0630 G	42	457,640	2,360	460,000	148,060	19,940	168,000	292,000
0455		0827	RL	0628 G	42	133,900	11,800	145,700	113,300	14,700	128,000	17,700
0455		0828	RL	0626 G	64	292,740	861	293,601	94,710	890	95,600	198,001
0455		0829	RL		64	548,590	1,614	550,204	177,485	815	178,300	371,904
0455		0830	E9	0600 G ST	64	323,595	1,269	324,864	139,590	1,310	140,900	183,964
0455		0834	RL	6TH	64	1,045,160	3,074	1,048,234	338,140	3,080	341,220	707,014
0455		0835	RL	G ST	91	846,090		846,090				846,090
0455		0836	E9	0600 G ST	64	339,533	1,269	340,802				340,802
0456		0034	TX	0509 7TH	61	612,370	487,630	1,100,000	306,185	168,815	475,000	625,000
0456		0037	TX	0625 E ST	41	350,020	226,800	576,820				576,820
0456		0808	TX	0627 E	45	185,460	129,540	315,000	92,730	7,270	100,000	215,000
0456		0810	TX	0511 7TH	42	326,590	38,410	365,000	163,295	26,105	189,400	175,600
0456		0829	TX	0600 F	52	274,560	225,440	500,000	137,280	122,720	260,000	240,000
0456		0857	TX	0501 7TH	51	787,823	212,177	1,000,000	339,845	80,155	420,000	580,000
0456		0863	TX	0513 7TH	43	9,161,280	1,398,720	10,560,000	7,872,975	1,127,025	9,000,000	1,560,000
FINAL TOTALS						,118,717,702*	391,808,742	1,511,133,506	289,652,263	148,778,957	438,431,220	1,072,702,286

1,178 RECORDS TOTALED

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF FINANCE AND REVENUE
COMPARISON OF 1978 AND 1983 ASSESSMENT VALUES OF SELECTED PROPERTIES
PROPERTIES FOR 1983 THAT DID NOT EXIST FOR 1978

1983 SQ	SUFF	LOT	TT	PREMISE	USE	ZN	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFFERENCE
0247		0091	TX	1330 MASS AV	22	SP2	370,605	193,576	564,181				564,181
0247		0092	TX	1101 14TH ST	52	C4	1,113,120	5,241,370	6,354,490				6,354,490
0247		0093	TX	14TH ST	91		1,674,240		1,674,240				1,674,240
0247		0863	TX	1108 13TH ST	42	SP2	284,200	5,700	289,900				289,900
0250		0046	E2	1303 M ST	52	C4	690,490	403,310	1,093,800				1,093,800
0250		0046	TX	1333 M ST	52	C4	8,065,770	10,386,655	18,452,425				18,452,425
0250		0047	TX	1301 M ST	52		4,393,072	7,362,728	11,755,800				11,755,800
0250		0048	TX	1322 EYE ST	51	C4	430,000	48,250	478,250				478,250
0250		0841	TX	1331 M ST	52	C4	3,417,960	1,000,000	4,417,960				4,417,960
0250		0842	TX	1331 M ST	52	C4	1,943,100	2,000,900	3,944,000				3,944,000
0252		0081	TX	N Y AV	91	C4	2,771,340		2,771,340				2,771,340
0252		0082	TX	1328 NEW YOR	91	C4	20,242,338		20,849,400				20,849,400
0252		0846	RL	13TH ST	64	C4	474,490	1,240	475,730				475,730
0254		0053	TX	0529 F ST	52	C4	15,006,920	4,118,080	19,125,000				19,125,000
0254		0830	US	E ST	91	C4	2,191,421		2,191,421				2,191,421
0254		0831	TX	1301 E ST	52	C5	10,408,875	8,891,200	19,300,075				19,300,075
0254		0832	TX	1331 PA AV	53		46,780,163	15,347,257	62,127,420				62,127,420
0254		0834	TX	E ST	91	C5	130,125		130,125				130,125
0254		0835	TX	1301 E ST	52	C5	10,278,750	8,891,200	19,169,950				19,169,950
0283		0045	TX	1210 MASS AV	26	SP2	108,120	488,630	596,750				596,750
0283		0046	TX	1208 MASS AV	21	SP2	34,055	170,545	204,600				204,600
0283		0047	TX	1200 MASS AV	51	SP2	37,434	186,066	223,500				223,500
0283		0048	TX	12TH ST	64	SP2	739,425		739,425				739,425
0284		0042	TX	1220 13TH ST	52	C4	7,133,100	10,174,735	17,307,835				17,307,835
0284		0043	TX	1275 K ST	52		3,924,352	7,717,920	11,642,272				11,642,272
0284		0804	TX	K ST	91	C4	527,800		527,800				527,800
0285		0047	TX	13TH ST	64	C4	5,713,240	45,760	5,759,000				5,759,000
0286		0041	TX	1250 I ST	52		4,845,880	13,510,530	18,356,410				18,356,410
0288		0839	RL	G ST	91	C4	1,227,005		1,227,005				1,227,005
0288		0840	RL	0710 12TH ST	64	C4	500,305	1,570	501,875				501,875
0289		0049	TX	1200 G ST	42	C4	4,221,800	102,000	4,323,800				4,323,800
0289		0822	RL	1208 G ST	42	C4	322,300	9,000	331,300				331,300
0289		0823	RL	1200 G ST	42	C4	3,900,160	86,840	3,987,000				3,987,000
0290		0844	TX	1212 F ST	42	C4	3,513,200	565,420	4,078,620				4,078,620
0290		0845	TX	0525 13TH ST	42								

1983 SQ	SUFF	LOT	TT	PREMISE	USE	ZN	1983 LAND VALUE	1983 IMPROVEMENT VALUE	1983 TOTAL VALUE	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE	DIFF ERENCE
0290		0846	TX	1212 F ST	42								
0316		0011	TX	1015 12TH ST	51	SP2	51,155	19,645	70,800				70,800
0319		0847	RL	1110 M ST	68	C4	181,485	16,965	198,450				198,450
0319		0848	RL	12TH ST	64	C4	47,360	290	47,650				47,650
0319		0849	RL	0731 12TH ST	41	C4	204,610	6,340	210,950				210,950
0319		0850	RL	0727 12TH ST	43	C4	204,610	6,340	210,950				210,950
0319		0851	RL	0727 12TH ST	42	C4	321,900	8,100	330,000				330,000
0319		0852	RL	0725 12TH ST	42	C4	318,570	8,130	326,700				326,700
0319		0853	DC	0719 12TH ST	84	C4	1,012,320	98,080	1,110,400				1,110,400
0319		0854	RL	0723 12TH ST	42	C4	320,050	8,950	329,000				329,000
0320		0025	TX	1120 G ST NW	52	C4	2,897,325	6,146,705	9,044,030				9,044,030
0321		0824	TX	0500 11TH ST	61	C4	6,796,240	4,545,560	11,341,800				11,341,800
0321		0825	TX	12TH ST	64		3,540,020	8,045	3,548,065				3,548,065
0321		0826	TX	0501 12TH ST	61		3,256,660	4,537,515	7,794,175				7,794,175
0342		0057	TX	1012 10TH ST	51	2	133,619	386,000	519,619				519,619
0343		0829	TX	0925 11ST	47	C3C	498,540	3,537	502,077				502,077
0373		0807	TX	0917 I	91	C3B	59,775		59,775				59,775
0374		0848	DC	0900 9TH ST	89	C	86,558,160	67,898,821	154,456,981				154,456,981
0376		0068	E3	0624 9TH ST	52	C4	1,183,000	3,906,500	5,089,500				5,089,500
0376		0068	TX	0624 9TH ST	52	C4	637,000	2,103,500	2,740,500				2,740,500
0376		0069	TX	9TH ST	64	C4	1,845,112	6,783	1,851,895				1,851,895
0376		0070	TX	0907 F ST	42	C4	3,605,760	74,240	3,680,000				3,680,000
0377		0037	TX	0913 E ST	68	C4	629,640	70,360	700,000				700,000
0377		0036	TX	0929 E ST	52	C4	5,572,770	1,927,230	7,500,000				7,500,000
0403N		0800	US	0801 K ST	91	GOV	15,562,300		15,562,300				15,562,300
0427		0021	TX	0906 7TH ST	42	C3C	305,214	94,786	400,000				400,000
0453		0052	E8	0800 6TH ST	22	C3C	2,572,180	4,287,000	6,859,180				6,859,180
0454		0044	E9	7TH ST	64	C4	8,652,150	25,448	8,677,598				8,677,598
0455		0835	RL	G ST	91	C4	846,090		846,090				846,090
0455		0836	E9	0600 G ST	64	C4	339,533	1,269	340,802				340,802
0456		0037	TX	0625 E ST	41	C4	350,020	226,800	576,820				576,820

66 RECORDS PRINTED

GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF FINANCE AND REVENUE
COMPARISON OF 1978 AND 1983 ASSESSMENT VALUES OF SELECTED PROPERTIES
PROPERTIES THAT EXISTED IN 1978 THAT DO NOT EXIST IN 1983

1978 SQ SUFF	LOT	TT	PREMISE	USE	ZN	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE
0247	0091	TX	1330MASS AV			659,150	1,178,694	1,837,844
0247	0837	TX	111013TH			64,800	5,200	70,000
0247	0838	TX	13TH			57,000	500	57,500
0247	0855	TX	110714TH			990,400	4,600	995,000
0247	0856	E1	1330MASS AV			74,095	191,914	266,009
0247	0856	TX	1330MASS			984,270	2,549,721	3,533,991
0250	0010	TX	1343H			82,848	814	83,662
0250	0043	TX	H ST			2,070,855	12,145	2,083,000
0250	0837	TX	1331H			1,661,280	2,765,020	4,426,300
0252	0008	TX	1336NEW YORK			235,875	16,625	252,500
0252	0009	TX	1338NEW YORK			212,415	80,085	292,500
0252	0010	TX	1340NEW YORK			216,920	95,880	312,800
0252	0011	TX	1342NEW YORK			187,765	10,235	198,000
0252	0807	TX	073114TH			243,960	23,840	267,800
0254	0022	TX	1308F			755,500	60,300	815,800
0254	0023	TX	1300F			521,295	61,240	582,535
0254	0037	TX	1307E			243,520		243,520
0254	0038	TX	1309E			240,000		240,000
0254	0043	TX	051514TH			536,340		536,340
0254	0044	TX	052013TH			1,253,600	1,000	1,254,600
0254	0049	TX	1320F			2,838,375	431,925	3,270,300
0254	0050	TX	052013TH ST			2,220,560		2,220,560
0254	0801	TX	1301F			141,040		141,040
0254	0802	TX	1305E			100,800		100,800
0254	0803	TX	1313E			119,890	5,710	125,600
0254	0804	TX	1325F			2,323,620	147,980	2,471,600
0254	0805	TX	1327F			2,799,765	1,115,835	3,915,600
0254	0806	TX	1337E			381,600	102,160	483,760
0254	0807	TX	E			665,400		665,400
0254	0808	TX	E			254,760		254,760
0254	0809	TX	1345E			335,400	31,600	367,000
0254	0810	TX	1347E			274,300	24,100	298,400
0254	0811	TX	050514TH			405,260	78,040	483,300
0254	0812	TX	14TH			490,015		490,015
0254	0821	TX	13TH			173,765		173,765
0254	0828	TX	13TH			145,040		145,040
0254	0829	TX	050813TH			96,720		96,720
0283	0038	TX	1210MASS			125,965	34,000	159,965
0283	0039	TX	1204MASS			29,070	11,430	40,500
0283	0825	TX	1200MASS AV			397,355	4,410	401,765
0284	0025	TX	1224L ST			483,420	3,480	486,900
0284	0804	TX	K			127,400		127,400
0284	0824	TX	1217K			243,355	106,645	350,000
0284	0826	TX	101313TH			1,436,890	10,110	1,447,000
0285	0027	TX	I			135,720	1,131	136,851
0285	0028	TX	13TH			101,880	849	102,729
0285	0029	TX	13TH			105,240	937	106,177
0285	0030	TX	13TH			105,240	877	106,117
0285	0031	TX	13TH			105,240	877	106,117
0285	0032	TX	091113TH			100,920	15,000	115,920
0285	0035	TX	1223I			131,320	15,000	146,320
0285	0036	TX	1225I			156,625	138,125	294,750
0285	0807	TX	1221I			92,855	10,000	102,855
0285	0902	TX						
0286	0017	TX	081713TH			50,310	24,000	74,310
0286	0018	TX	13TH			44,325		44,325
0286	0035	E8	1228EYE ST			753,720	6,852	760,572
0286	0807	TX	081913TH			79,245	12,600	91,845
0316	0011	TX	101512TH ST			15,740	1,667	17,407
0317	0827	TX	092912TH			253,170	2,830	256,000
0319	0821	TX				150,480		150,480
0319	0824	TX				58,800		58,800
0320	0015	TX	1110G			349,200	50,800	400,000
0320	0806	TX	1112G			938,400	355,600	1,294,000
0321	0019	TX	11TH			419,650		419,650
0321	0021	TX				189,750	1,250	191,000
0321	0022	TX				288,970	1,110	290,080

1978 SQ	SUFF	LOT	TT	PREMISE	USE	ZN	1978 LAND VALUE	1978 IMPROVEMENT VALUE	1978 TOTAL VALUE
0321		0812	TX				264,220		264,220
0321		0813	TX	050811TH			276,980		276,980
0321		0816	TX	050011TH			1,710,280	2,956,160	4,666,440
0321		0822	TX	12TH			248,270		248,270
0376		0814	TX	G ST			1,726,855	12,945	1,739,800
0377		0804	TX	E			192,960	1,640	194,600
0377		0805	TX	0913E			36,000	300	36,300
0403	N	0800	US	0801K ST			4,788,400		4,788,400
0427		0015	TX	09067TH			53,425	7,575	61,000
0427		0811	TX	09087TH			36,875	8,625	45,500
0429		0019	TX	07058TH			52,240		52,240
0453		0049	US				366,555	5,445	372,000
0453		0051	TX	0606I ST			74,375		74,375
0453		0838	TX	6TH			365,360	4,540	369,900
0453		0842	E1	0600I ST			159,375	102,625	262,000
0453		0842	TX	0606I ST			53,125		53,125
0454		0028	E8	07117TH ST			141,185	1,315	142,500
0454		0029	E8	07137TH ST			132,935	1,165	134,100
0454		0030	E8	07157TH ST			134,640	1,260	135,900
0454		0034	E8	07077TH ST			113,795	1,005	114,800
0454		0035	E8	07097TH ST			117,205	1,095	118,300
0454		0036	E8	07337TH ST			89,925	775	90,700
0454		0042	E8	07017TH ST			319,660	2,940	322,600
0454		0808	E8	07177TH ST			137,885	1,215	139,100
0454		0809	E8	07197TH ST			143,880	1,320	145,200
0454		0810	E8	07237TH ST			125,895	1,105	127,000
0454		0811	E8	07257TH ST			119,900	1,100	121,000
0454		0812	E8	07277TH ST			71,940	660	72,600
0454		0813	E8	07297TH ST			131,890	1,210	133,100
0454		0814	E8	07317TH ST			149,875	1,325	151,200
0454		0815	E8	07357TH ST			137,775	1,225	139,000
0454		0816	E8	07377TH ST			88,605		88,605
0454		0817	E8	07397TH ST			78,705		78,705
0454		0818	E8	07417TH ST			86,295		86,295
0454		0858	E8	07437TH ST			462,000		462,000
0456		0852	TX	0625E			78,870	6,130	85,000
0456		0853	TX				3,300		3,300
FINAL TOTALS							45,799,908	12,929,443	58,729,351

108 RECORDS TOTALED

QUESTION:
4.a. Revenue projections prepared in 1979 were based on an eventual target of between 41 and 51 non-local delegate and exhibitor events each year. The 1984 budget states that only 21 such events are booked. What difficulties are you having reaching the target of 41-51? What impact will the shortfall have on revenue projections?

ANSWER:
4.a. In 1978 a technical update to the market potential and financial feasibility analysis was prepared by Gladstone Associates to reexamine the costs and benefits of a convention center in consideration of a recommended reduction in the amount of exhibit space. The consultants revised the non-local event target from 41-51 to 28-34 non-local events once the Center reached normalized occupancy, projected to occur during FY 1985. The revised non-local event goal reflected a refinement in the market universe upon which the Center could draw as well as consideration of the shrinkage in exhibit space area. The revenue projections were also scaled down to anticipate revenues of $9,400,000 in FY 1983 and $14,800,000 in FY 1984. Full booking capacity is now expected to occur in FY 1987 since many larger shows book at least five years in advance. The Center has been successful in reaching the projected target of 75 percent normalized occupancy in FY 1984 with 22 non-local events booked to date. One additional event has been scheduled following the preparation of the FY 1984 budget documents. Although the originally projected target of scheduled events has been achieved for FY 1984, the revenues are 6 percent below earlier projections due to the relatively smaller size of events and a reduced demand for building services than originally anticipated. Current revenue projections anticipate $9,400,000 in FY 1983 and $13,900,000 in FY 1984, a decrease of $900,000 from earlier projections.

QUESTION:
4.b. Please provide a schedule of bookings for 1984 through 1989, by type of event. Also include the list of events held since the Center opened through June 30, 1983 and bookings for the remainder of the year, by type of event.

January-June, 1983 Local Shows	Show Dates
D.C. Gov't Inauguration & Ball	1/3/83
Preview Night	1/4/83
Chevrolet Motors	1/6/83
Public Employee Appreciation Day	1/10/83
Nat'l Capitol Auto Show *	1/5-9/83
WCC-Hyatt Regency	1/11/83
Nat'l Capitol Boat/RV Associations	1/13/83
WCC-WRC Editorial Board	1/13/83
Boat Show Preview	1/13/83
Flower Show Meeting	1/13/83
Cultural Alliance	1/17/83
Washington Board of Trade	1/17/83
Washington Gift Show Meeting	1/17/83
WCC-Mayor's D.C. Developers	1/18/83
IBM Information Network	1/19/83
Washington Gift Show	1/16-19/83
Capitol Hilton	1/21/83

*Public Show

January-June, 1983 Local Shows (Cont.)	Show Dates
World of Wheels *	1/21-23/83
WCC-Mayor & Senator Tour	1/25/83
WCC-L'Enfant Plaza	1/25/83
Taste of the Town	1/31/83
Hi-Fi Reception	2/1/83
WCC-Continental Breakfast	2/2/83
WCC-Democratic Committee	2/3/83
1983 State of the City Message	2/3/83
Local 400 Hair & Fashion Show	2/6/83
WCC-WCVA	2/3/83
C & P Telephone	2/8/83
C & P Telephone	2/11/83
C & P Telephone	2/13/83
STLA Systems	2/16/83
F.O.S.E. Meeting	2/18/83
Boat Show Press Party	2/18/83
Travel Fest Reception	2/18/83
Hi-Fi Music Show *	2/11-13/83
Hi-Fi Reception	2/11/83
Rothstein Antique Show	2/17-20/83
Travel Fest '83 *	2/18-20/83
WCC-Community Festival Meeting	2/22/83
Voice of Informed Community Expression	2/23/83
HSMA Reception, Dinner	2/24/83
Washington Boat Show *	2/19-27/83
ASAE Committee Meeting	3/1/83
Congressman Fauntroy Birthday	3/4/83
D.C. Commission on Women	3/5/83
Motorcycle Show *	3/4-5/83
American Dietetic Association	3/9/83
IAAM Tour	3/10/83
Tax Law Conference (ABA)	3/11/83
Flower Show *	3/9-12/83
Federal Office Systems Expo	3/15-17/83
Junior League	3/19/83
Home Show *	3/17-19/83
Bellman Antique Show/Book Fair *	3/17-20/83
WCC-Community Festival Meeting	3/21/83
WCVA Meeting	3/24/83
Mid-American Travel Group	3/25/83
Capitol City Community Auditions	3/31/83
Washington for Harold Washington	3/31/83
Building Process '83	4/5-8/83
Nat'l Academy of Science	4/7/83
WCC Meeting	4/8/83
Cherry Blossom Festival Ball	4/9/83
Airline Pilots Association	4/9/83
Women and the Law	4/8-10/83
Federal Data Processing Expo	4/12-14/83
American Gathering of Jewish Holocaust Survivors	4/11-14/83
Clark College Alumni Association	4/16/83
Capital City Taxi Drivers	4/17/83
Mayor's Committee to Promote D.C.	4/17/83
D.C. Women's Advisory Commission Awards	4/18/83
American Auto Association	4/19/83

*Public Show

January-June, 1983 Local Shows (Cont.)	Show Dates
Voice of Informed Community Expression	4/20/83
Capitol City Community Auditions	4/20/83
Board of Trade	4/20/83
D.C. Industrial Exhibition	4/19-21/83
Secretaries Week	4/26/83
PEPCO	4/27/83
Federal Recreation Association	4/30/83
Rothstein's Jewelry Show *	4/29-5/1/83
D.C. EST Center	5/3-5/83
WCC Community Festival Preview	5/5/83
Computer Showcase *	5/5/83
Vassar Club	5/5-8/83
D.C. Public Schools	5/6/83
D.C. EST Center	5/9-10/83
ABC Hair Demo Show	5/9/83
WCC Community Festival	5/13-15/83
International Development Conference	5/17/83
D.C. Public Schools	5/18/83
D.C. Association for Retarded Citizens	5/20/83
Amway	5/20-21/83
D.C.EST Center	5/22-23/83
Democratic National Committee	5/23/83
ASPA	5/24/83
D.C. EST Center	5/24-25/83
Office on Aging	5/25/83
Embassy of the Philippines	5/25/83
WCC-Human Resources	5/24-25/83
Reception for Elijah Rogers	5/26/83
Local 25	5/26-27/83
AFGE Union	5/27/83
Progressive Firefighters	5/28/83
Metro Women's Democratic Club	5/28/83
Washington Metro Vietnamese Association	5/29/83
Bishop C.L. Long	5/30/83
Department of Transportation	5/20/83
Taste of the Town	5/31/83
Ted Weiner Luncheon	6/16/83
Local 25	6/1-4/83
ASPA	6/2/83
MD/DC Minority Suppliers Devel. Council	6/2/83
Woodward & Lothrop Shareholders	6/2/83
Art Seven International Art Exposition *	6/2-6/83
Latney Wedding Reception	6/4/83
Golds Gym of Maryland	6/5/83
Embassy of the Philippines	6/3-6/83
Stereo Liquidators	6/5-6/83
B'nai B'rith	6/8/83
Metro Postal Customers Council	6/8/83
Department of Employment Services	6/9/83
D.C. Dietetic Association	6/10/83
Cardoza Senior Prom	6/10/83
D.C. Public Schools Graduations	6/10-14/83
Caste of Talents	6/11/83
Inner City Community Residents	6/11/83
Tan Dance	6/11/83
AFGE Union	6/14/83

*Public Show

January-June, 1983 Local Shows (Cont.)	Show Dates
Asian Pacific Chamber of Commerce	6/15/83
Urban Consortium for Community Action	6/16/83
Blacks in Government	6/18/83
Calvinade Beauty Academy, Inc.	6/18-19/83
Dekie Association	6/19/83
AT&T Shareholders	6/21/83
United Negro College Fund	6/22/83
Nat'l Association of Minority Contractors	6/25/83
Democratic National Committee	6/27-29/83
Commission on the Arts & Humanities	6/30/83
Wayne Laylor Reception	6/14/83

January-June, 1983 National Shows	Show Dates
ASAE Convention	3/25-27/83
National Fancy Food & Confection Show	6/26-29/83

July-September, 1983 Local Shows	Show Dates
Cambridge Plan International	7/7/83
Taste of the Town *	7/9-10/83
Ernest Angley Crusade	7/24/83
EST Seminars	7/26/83
Rothstein's Antique Show *	7/29-31/83
Magnificent Misses Social Club	7/30/83
TU-DO Lounge	8/6/83
Fraternidad Artistica Cultura Boliviana	8/6/83
Washington Gift Show	8/7-10/83
Sereechon Enterprises	8/12/83
Marimar International	8/12-13/83
Washington Metro Vietnamese Assoc., Inc.	8/13/83
ABC Supply Company	8/14/83
Jerry Drew Art Show	8/14/83
FBI National Academy Association	8/17/83
Insight Training Seminars	8/17-21/83
R.C. Productions	8/20/83
Woodward & Lothrop Fashion Show *	8/20/83
WYCB 5th Anniversary Celebration	8/21/83
Insight Training Seminar	8/24/83
Hispana De Alcholicos Anonimos	9/2-4/83
Mayor's Commission on Food, Nutrition & Health	9/9-10/83
Federal Computer Conference	9/14-15/83
WCVA Sales Blitz	9/16/83
1983 Miss Photogenic Contest	9/18/83
Washington D.C. A/V Communication Show	9/20-22/83
Fulfillment Management Association	9/22/83
Potomac Conference of 7th Day Adventists	9/25/83
Mayor's Committee on the Handicapped	9/26/83
The Gay Bartenders Ball	9/27/83
InterGlassMetal '83	9/29-10/1/83

July-September, 1983 National Shows	Show Dates
Christian Booksellers Association	7/18-21/83
American Chemical Society	8/28-9/1/83

* Public Show

FY 1984 Local Shows	Show Dates
Hanover Industrial Fair	10/1-5/83
Medical Society of D.C.	10/6-7/83
1983 Photo Show *	10/6-9/83
Bellman Antique Show *	10/27-29/83
Metro Police Department Auction *	10/7-8/83
Potomac Conference of 7th Day Adventists	10/8/83
Organization of Black Metro Police Officials	10/15/83
Design for Living *	11/9-13/83
American Crafts Exposition *	11/17-20/83
10th Annual Women in D.C. Government Week	11/7-11/83
Washington Dealers Assoc. Liquor Dealers Assoc.	11/20/83
Rothstein's Antique Show *	12/9-11/83
Greater Washington IBM Club	12/10/83
National Christmas Show *	12/15/83
Fellus Fair Industries	
National Capitol Area Auto Show *	1/4-8/84
National Capitol R/V Show *	1/13-22/84
National Capitol Boat Show *	1/13-22/84
Washington Gift Show	1/15-18/84
Greater Washington Travel Festival *	1/27-29/84
Gloria Rothstein Shows, Inc. *	2/17/84
Bellman Antique/Bookfair Show *	3/16-18/84
1984 Washington HiFi Stereo/Video Show *	3/23/84
The Flower Show *	3/23-4/1/84
Gloria Rothstein Shows, Inc.	4/27-29/84
Computer Showcase *	5/17-20/84
Bellman Antique Show *	6/8-10/84
Washington Gift Show	7/15-18/84
World Computer Graphics	10/10/83

FY 1984 National Shows	Show Dates
National Assoc. of College Admissions Counselors	10/16-17/83
Gutenberg International	10/20-23/83
Assoc. of Independent Colleges & Schools	10/27-28/83
Federal Office Automation Conference	11/2-3/83
Bicycle Dealer Showcase Expo/East	1/27-29/84
Communications Network	1/31-2/2/84
National Food Processors Association	2/12-15/84
World of Concrete	2/27-3/1/84
Software Info	3/13-15/84
Federal Office Systems Expo	3/20-22/84
Baptist Fundamentalism '84	4/11-13/84
Federal Data Processing Expo	4/17-19/84
Council for Exceptional Children	4/25-27/84
American Institute of Aeronautics & Astronautics	5/1-6/84
American Bankers Association	5/13-16/84
American Booksellers Association	5/26-29/84
Amway Corporation	6/14-15/84
National Education Association	6/29-7/4/84
Church of God in Christ	7/9-14/84
Alpha Kappa Alpha Sorority	7/23-27/84
American Association of Climinal Chemistry	7/30-8/1/83
Pentecostal Assemblies of the World	8/3-12/84

* Public Show

FY 1985 Local Shows	Show Dates
American Dietetic Association	10/15-18/84
Atlantic Cable Show	10/24-26/84
U.S. League of Savings Associations	10/28-31/84
Gloria Rothstein Shows, Inc.	12/7-9/84
Health Care Expo 1985 *	8/10/85
InterGlassMetal Corporation	9/18-22/85

FY 1985 National Shows	Show Dates
International Public Transit Expo '84	10/1-4/84
National Art Materials Trade Assoc./Art & Action	11/1-3/84
Gutenberg International	11/15-18/84
Radiological Society of North America	11/25-30/84
Golf Course Superintendents of America	2/9-12/85
National Micrographics Association	4/30-5/2/85
National Solid Waste Management Association	5/8-10/85
American College of Obstetricians & Gynecologists	5/13-15/85
International Car Wash Association	6/17-19/85
International Work Process Association	6/18-20/85
Professional Picture Framers	7/13-16/85
National Urban League	7/21-23/85

FY 1986 National Shows	Show Dates
Society of Exploration Geophysicists	10/7-10/85
American Federation of Info. Processing Societies	2/17-19/86
American Institute of Aeronautics & Astronautics	4/29-5/2/86
American Psychiatric Association	5/12-15/86
Triple Industry Supply Association	5/19-20/86
American Society of Biological Chemists	6/9-12/86
Society of Nuclear Medicine	6/22-25/86
Communication Workers of America	7/6-11/86
American Philatelic Society	8/21-24/86
Tenth World Congress of Cardiology	9/15-19/86
American Academy of Family Physicians	9/29-10/2/86

FY 1987 National Shows	Show Dates
Truck Body and Equipment Association	10/20-22/86
Society of Neuroscience	11/10-14/86
National Spa & Pool Institute	11/19-23/86
Communications Network	2/10-12/87
Federation of American Societies for Experimental Biology	3/29-4/3/87
American Orthopaedic Association	5/4-8/87
Kiwanis International	7/5-8/87
American Hospital Association	7/27-29/87

FY 1988 National Shows	Show Dates
World Federation of Societies of Anesthesiologists	5/22-27/88
Construction Specification Institute	6/24-26/88
International Association of Fire Chiefs	8/29-31/88

* Public Show

FY 1989 National Shows	Show Dates
American Dental Association	10/8-11/88
American Institute of Ultrasound	10/18-23/88
National Rural Electric Cooperative Assoc.	2/13-15/89
International Communications Association	6/5-8/89

QUESTION:

5. One of the potential benefits of the Center claimed in the 1978 report was the creation of 4,000 new permanent jobs of a retail and service type, particularly in hotels, suitable for those District residents who are relatively less skilled. Please show the basis for the 1978 estimate, the number of such new jobs that actually materialized, by year and type. Also, show the number of such jobs held by District residents.

ANSWER:

5. The estimate of 4,000 new permanent jobs was based on an estimate of the eventual demand for hotel rooms, meals and entertainment, by exhibitors and the multiplier effects of this spending on the local economy. In 1978 the Department of Manpower reviewed the Gladstone Associates' Feasibility Analysis for a Civic Center in Washington, D.C. and assumed a slightly lower hotel room demand, or 1.5 million rooms per year when the Center was operating at full booking level. Based on average hotel and service employment, the Department of Manpower assumed that 6,290 permanent jobs would be created in the metropolitan area by the Center and 3,965 of these jobs would be filled by District residents. There would be 1,393 District residents directly employed in new hotels and 190 in existing hotels. An additional 670 jobs in eating and drinking establishments would be filled by District residents for a total of 2,345 direct permanent jobs for District residents. Since this type of service employment would be located close to the Center, it was assumed that only another 345 of these jobs would be filled by suburban residents.

The economic activity that would result in these 2,690 direct jobs would also stimulate other new employment in the area. An implicit multiplier of 1.35 was applied to the 2,690 total to determine that this secondary benefit was about 3,600 jobs. At the time of the study, other economic base analyses of the Washington, D.C. area used implicit multipliers of 1.5 to 1.63. The Department of Manpower study assumed that 45 percent or 1,620 of the secondary jobs would be filled by District residents. Thus, the total of the primary and secondary jobs created by the Convention Center was estimated at 3,965.

Although there has been no survey to date of the jobs that have actually materialized, an estimate of the employment impact was made to derive the spin-off individual income tax revenues. This analysis indicates that by the end of FY 1982 approximately 760 hotel jobs had been created with about 570 held by District residents.

CONCLUSION OF HEARINGS

Senator SPECTER. That concludes the testimony, and the hearing is concluded. The subcommittee will recess and reconvene at the call of the Chair.

[Whereupon, at 11:57 a.m., Wednesday, June 22, the hearings were concluded and the subcommittee was recessed to reconvene at the call of the Chair.]

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